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ABSTRACT

This hearing before the Senate Select Committee on Nutrition and Human Needs began with opening statements by a number of senators. Following this, statements were made by a number of witnesses, including Hon. Claude Pepper, a U.S. Representative from the Eleventh District of the State of Florida; Dr. Jean Mayer, professor of nutrition, Harvard University; James J. O'Malley, acting director, New York Office for the Aging; Elizabeth Breckinridge, supervisor of section on Services for Aging, Illinois Department of Public Aid; Charles H. Chaskes, executive director, Michigan State Commission on Aging; Clifford W. McLous, executive director, Senior Citizens of Dade County, Miami, Florida; San Juan Barnes, director, Senior Neighborhood and Companion Club, Washington, D.C.; Edward J. Kramer, director, Services to the Aged, Henry Street Settlement, New York City; Ivan Simonsen, director, Senior Services, Western Idaho Community Action Program; and, the Hon. John B. Martin, Commissioner, Administration on Aging. Appended to these presentations are a number of miscellaneous articles, publications, and tables submitted both by the above witnesses and by the National Council on the Aging, Inc., the National Retired Teachers Association, the American Association of Retired Persons, the Bread and Law Task Force, Burlington, Vermont, and other organizations. (JM)

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NUTRITION AND HUMAN NEEDS—1972

HEARINGS

BEFORE THE

SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

OF THE

UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

ON

NUTRITION AND HUMAN NEEDS

PART 2—NUTRITIONAL NEEDS OF NATION'S OLDER AMERICANS

WASHINGTON, D.C., JUNE 14, 1972

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NUTRITIONAL NEEDS OF NATION'S OLDER AMERICANS

WEDNESDAY, JUNE 14, 1972

U.S. SENATE
SELECT COMMITTEE ON
NUTRITION AND HUMAN NEEDS
Washington, D.C.

The Select Committee met at 10 a.m., pursuant to call, in room 1114 of the New Senate Office Building, the Honorable Edward M. Kennedy, presiding.

Present: Senators Kennedy and Percy.

Staff members present: Kenneth Schlossberg, staff director; Gerald S. J. Cassidy, general counsel; Vernon M. Goetcheus, senior minority professional staff; and Elizabeth P. Hottell, minority professional staff.

Senator KENNEDY. The meeting will come to order.

OPENING STATEMENT BY SENATOR KENNEDY, PRESIDING

Senator KENNEDY. We are pleased to be able to open this hearing by the Select Committee on Nutrition and Human Needs, into the critical problems of the nutritional needs for the Nation's older Americans. This hearing is being carried out in connection with the Special Committee on the Aging.

Currently some 5 million of the Nation's 20 million elderly live on incomes below the poverty level. Another 1.2 million elderly receive incomes just over the poverty level, bringing the number of poor or near poor to 30 percent of the Nation's elderly citizens.

And across the Nation in hearings that were held on S. 1163* and on the House version of this measure, it was demonstrated time and again that the failure to provide for the nutritional requirements of elderly isolated persons, particularly low income elderly, spelled early institutionalization.

Enactment of S. 1163 represents a first step to end the circle of malnutrition and institutionalization by providing nutritionally balanced meals in a social setting for the Nation's elderly.

It represents a clear congressional mandate for meeting the needs of isolated low-income elderly persons, both by providing a base for an adequate diet and by providing a stimulus to their involvement in social activities. It also represents a response to the elderly who testified on the need for this program.

*See Appendix 3, Public Law 92-258, p. 368.

They understood best the need for a program which would use outreach services to contact the thousands of isolated elderly Americans who live alone in rooming houses and dreary apartments and provide meals in group settings.

And they were witness to the success of the pilot programs which had been supported in the past by the Older Americans Act.

They could point to friends and relatives who not only received sustenance from the meals themselves but who also benefited from social contact at the community centers or the schools or the churches where the meals were served.

And they would cite the side effects of bringing these men and women into situations where they also could obtain information about other elderly programs, counseling about their health and income problems, and an opportunity to become a part of our society once more. And so I am particularly pleased that the administration ended its opposition to this measure and requested the full authorization.

The new law authorized $100 million for fiscal year 1973 and $150 million for fiscal year 1974 for grants to the States to supply a minimum of one hot meal per day to persons 60 years of age and older, for at least 5 days a week. The program which is to be administered by the Administration on Aging takes effect on July 1. And now I also am pleased to announce that the House Appropriations Committee has approved the full $100 million requested for fiscal year 1973. I have urged similiar action by the Senate.

Our aim today is to provide a forum for exploring the process of implementing this legislation. We have the opportunity to hear the original sponsor of the House version of this legislation, Congressman Claude Pepper, whose work over the years on behalf of the Nation's elderly citizens is well known and who can rightly be viewed as the father of this law. We have as well one of the foremost authorities on nutrition, Dr. Jean Mayer, Chairman of the White House Conference on Nutrition and Chairman of the Nutrition Section of the White House Conference on Aging. In addition, we have State directors and local project directors who speak with the authority of direct involvement in the operations of these programs. And finally, we will have the comments and hopefully the response to the earlier testimony by Commissioner John Martin of the Administration on Aging.

I believe that this hearing can be an important corollary to the hearings held last week by the Senate Subcommittee on Aging, which has legislative oversight responsibilities in this area.

At that time, while commending the administration witnesses for the general tone of the proposed regulations and the intent to move speedily in their implementation, I raised several questions concerning specific provisions of the legislation. I anticipate that the final regulations will reflect those concerns; and the testimony we hear today, undoubtedly, will provide additional documentation for necessary changes before the regulations become final.

Before hearing our witnesses, we want to recognize the Senator from Illinois, Senator Percy, who has been so instrumental over the period of recent years in ensuring that the Senate of the United States would respond to the programs of nutritional needs for the elderly. He, perhaps more than any other Senator, was instrumental in continuing many of the nutritional pilot programs that were being cut

out for budgetary reasons; and has, of course, followed this legislation closely and continues to concern himself with these problems. He is a member of the Appropriations Committee and wields great weight there in assuring there is going to be funding.

STATEMENT BY SENATOR PERCY

Senator PERCY. Thank you.

I would like first to indicate that the hearings this morning with the Select Committee on Nutrition and Human Needs are being held in cooperation with the Special Committee on the Aging, and the staff of that committee under William Oriol, the majority staff director, has been extremely cooperative in helping us set up these hearings.

I trust that this will be a beginning of what is to be a searching inquiry into the nutritional needs of our Nation's elderly and into the ways of meeting these needs.

Aside from infants, no group in our population is as vulnerable to the consequences of poor nutrition as are the elderly. About one quarter of our 20 million senior citizens live at or below the poverty level, and they are the most malnourished segment of the population.

Congress recently became aware of the dimensions of the problem of assuring a nutritionally adequate diet to older Americans, of the potential benefits to individuals, and of the savings to society of maximizing the elderly people's ability to remain independent as well as physically and psychologically healthy by assuring him access to nutritionally adequate meals in a social setting. It overwhelmingly approved legislation authored by Senator Kennedy and Congressman Claude Pepper—a bill which I was pleased to cosponsor as the only Republican originally cosponsoring the bill, but which certainly is now a bipartisan program fully supported by the administration—to create a nutrition program for the elderly.

This legislation, S. 1163, authorized $100 million for fiscal year 1973 and $150 million for fiscal year 1974 for grants to the States to supply one hot, nourishing meal a day to persons 60 years of age and older, 5 or more days a week. The program, administered by the Administration on Aging, is scheduled to become effective on July 1.

Our specific purpose today is to examine in some detail the implementation of this pioneering nutritional program. I believe the Congress has indicated its desire to see these nutritional services made as widely available as quickly as possible. I believe the Administration on Aging has made a commendable effort to achieve this goal. Commissioner John B. Martin and his colleagues have done a great deal since S. 1163 was signed by the President on March 22 to make the program operational by July 1.

I also know of and applaud Commissioner Martin's desire to see these nutrition projects put into place only after very careful planning. I am concerned, as are other Members of Congress—and the chairman has indicated some concern on his part—that the great emphasis on State and local planning efforts evident in the proposed regulations not unduly delay the delivery of these nutrition services—if only on a step-by-step basis—to the target population.

I take the position that—if this Nation can feed three meals a day to the armed services of this country whether they may be engaged in

combat or otherwise, any place in the world—we can find a way to use our ingenuity and our energy to deliver meals to people in this country, wherever they are. Especially if they are elderly and poverty stricken and impoverished and also physically unable to obtain adequate nourishment because of their present condition. That is a goal we simply must set for ourselves and a task that we are rigidly going to hold ourselves to—because the Congress has said this is going to be the policy of this country and the bill has been signed into law by the President.

We wish to review today the efforts which have been made at the Federal, State, and local levels to achieve the twin goals of rapid and well-planned or effective implementation of the nutrition program for the elderly. We wish also to review the rate of progress toward these goals, to learn of any existing or potential roadblocks to achieving these goals, and to examine ways in which the Congress as well as the AoA can help to eliminate these roadblocks.

I welcome all our witnesses this morning, particularly former Senator and Congressman Claude Pepper of my own native State of Florida, who has provided great leadership in this field and who, I know, canceled his other appointments and other engagements in order to be here this morning—so important did he feel these hearings to be. I welcome also Dr. Jean Mayer, who has provided such tremendous leadership in this field. I have read his testimony, and it is an eloquent statement of the problem, and we welcome his expertise as well as the expertise of our other witnesses this morning.

Thank you, Mr. Chairman.

Senator KENNEDY. Before introducing our first witness, I wish to submit the statement from Senator McGovern, who is the chairman of the Select Committee on Nutrition and Human Needs; and also, a letter from Senator Church, who is the chairman of the Special Committee on Aging. These will be made a part of the record.

PREPARED STATEMENT OF SENATOR GEORGE McGOVERN

CHAIRMAN, SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

There is no subject of greater importance before the Congress than adequate provision for the health and well-being of our elderly citizens.

I commend Senator Kennedy and Senator Percy for their vital interest both as individual senators and as members of the Select Committee in the passage and implementation of the Nutrition Bill for the Elderly.

The bill is a first step toward our eventual goal of ensuring that every needy older American receives the proper nutrition so important to his general well-being.

As a first step, we are all concerned that the program be implemented in a manner consistent with the hopes and goals of those who support the program.

We want to make sure that it is implemented speedily.

We want to make sure that it is implemented in a way fully responsive to the nutritional and social needs of our older citizens, as they interpret those needs for themselves.

Along with Senator Cranston, I recently authored an amendment to the Food Stamp Law to permit food stamps to be used to purchase meals available under this new program.

That amendment would, in one quick stroke, significantly expand the resources available to support this program. I hope it will be approved before this Congress concludes.

I am sure today's hearing will move this program closer to a reality for America's older citizens who so clearly need the help it can provide.

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, D.C. June 13, 1972.

HON. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition and Human Needs,
U.S. Senate, Washington, D.C.

DEAR GEORGE: Your decision to direct the attention of your committee to the nutritional needs of the elderly is especially timely and appropriate.

Implementation of the new nutritional program for older Americans should be regarded as merely the first step in a national effort to deal more realistically and comprehensively with several issues of direct importance to older Americans.

In joining with you in this inquiry, the Senate Committee on Aging will be especially concerned with the development of a proper balance between meal programs and social services. In addition, we will ask that more definitive data be developed on the extent of malnutrition and the other essential information related to aging in the United States.

At a later date, I will comment further on such issues. I will look forward to working with you in this area.

With best regards,
Sincerely,

FRANK CHURCH,
Chairman.

Senator KENNEDY. Our first witness is Congressman Pepper, who, as I mentioned, is the original author of the nutrition for the elderly legislation in the House.

STATEMENT OF HON. CLAUDE PEPPER, A U.S. REPRESENTATIVE FROM THE 11TH DISTRICT OF THE STATE OF FLORIDA

Mr. PEPPER. Mr. Chairman and members of the committee, I am very grateful to have the honor to appear here this morning before these two distinguished committees dealing with nutrition and human needs, and on aging. I particularly want to acknowledge the gratitude of the senior citizens of this country, and I happen to be one of them: and the Members of the Congress and the people of the Nation for the magnificent leadership which has been given in the enactment of this legislation by the distinguished Senator from Massachusetts, Senator Kennedy, resulting in the enactment of this legislation, for the aid of his very helpful and eminent colleagues in the Senate, and also particularly to the great leadership in the whole nutrition program which has been given by the distinguished Senator from Illinois, Senator Percy.

I am grateful for the kind words that both of the distinguished Senators have been good enough to say about me this morning.

I thank you very much, Mr. Chairman and members of the committee, for the opportunity to present my views regarding the implementation of Public Law 92-258,* an amendment to the Older Americans Act, entitled "Title VII—Nutrition Program for the Elderly;" and to comment generally on the nutrition and related needs of America's senior citizens.

It is encouraging that as a result of congressional pressure the spending under the Older Americans Act has risen from $32 million in 1969 to a proposed $157 million as announced in the President's

*See Appendix 3, p. 358.

1973 budget; and, in addition, the full $100 million requested for Title VII has been approved and reported out by the House Appropriations Committee this week. We do commend the President and the House Appropriations Committee and I think we soon will be able to commend the Congress. This is one of the first instances that I recall where the full amount authorized in a meaningful program like this has been recommended by the President and approved by the Congress, and I think it is very significant.

Our vigilance in the Congress must remain constant, and we must persist in our efforts to upgrade the Administration on Aging if we are to effectively elevate the Federal role called for in the Older Americans Act. We cannot consider the implementation of the nutrition program for the elderly without recognizing this program's ultimate dependence upon congressional approval of the amendments to the Older Americans Act. The bill I have introduced in the House, H.R. 13587, and other bills to provide for elevating the Commissioner, Administration on Aging, to be the principal officer of the Department of Health, Education, and Welfare for carrying out all titles of the Older Americans Act, making the Commissioner directly responsible to the Secretary is, I submit, desirable legislation.

I regret very much that in my own State, we find the Commission on the Aging or the Bureau of the Aging is way down the line in the layer of various agencies, the head of which is the welfare department of the State. Now, I see a tendency here on the part of the Federal Government and I believe in the recommendations of the administration to make this aging jurisdiction a part of Health, Education, and Welfare without having any special authority or any special responsibility.

Implementation Responsibility With AoA

Senator Kennedy. That runs quite contrary to the letter of the law and certainly the intention of the law, does it not, that passed? We were quite specific to give the responsibility for this implementation with the Administration on Aging.

Mr. Pepper. That is right.

Senator Kennedy. As you pointed out, the way the regulations have been drafted, I think it undermines their important role in insisting that the responsibility be with the AoA.

Mr. Pepper. The only justification that I can think of for that proposal in the guidelines is that the Administration on Aging would expire at the end of this fiscal year if it is not renewed, but it seems to me that we should certainly renew that authority and expand and elevate the status of the Administration on Aging.

Senator Kennedy. We can give you assurance that it will be renewed over here. I know Senator Eagleton and I sit on that Labor Committee, and it is just about to be passed out of the committee. I am sure it will be passed on the floor, and I am sure the administration understands it.

Mr. Pepper. These amendments of which I spoke are scheduled for executive session in the House Education and Labor Committee this week, and many of us are going to do everything we can to secure the adoption of this legislation in the House.

Mr. Chairman, the proposed rulemaking for Title VII for the nutrition programs for the elderly, published in the Federal Register

for June 6, raises several concerns regarding the administration's intent to carry out the nutrition program as provided in the law. Now, I realize this is a program of magnitude, yet this law contemplates that this program should go into effect July 1. Now, I am somewhat concerned and not agreeably so, with my own State. I have been pressing the Governor and the Bureau on the Aging there to get our State plan prepared and presented, but they have used the excuse that they did not have the guidelines of the Federal Government and they did not know the details of the plan until they got the guidelines, and those guidelines came out June 6 and yet this program was supposed to go into effect July 1. That is the reason I am going to make some suggestions that we might depart somewhat from the arbitrary proposals of these guidelines to get it going early.

Senator KENNEDY. Please do. We really did not have enough time before July 1 and the date it was available for aging groups to comment on the regulations.

PROPOSED RULEMAKING DEFINES SRS NOT AoA

Mr. PEPPER. Right. As the distinguished chairman said, the law clearly states that the Administration on Aging was intended to administer the program. The proposed rulemaking places the administration of the nutrition program in the Social and Rehabilitation Services. Now, that is a layer in the Department of Health, Education, and Welfare remote from the Secretary, whereas it would seem to me desirable that as the legislation we have pending in the House now proposes, the Commissioner on Aging have access to the Secretary, that he have an independent agency within the Department that would have that access.

We know the Social and Rehabilitation Service has long been oriented to welfare concepts of Federal programing and certainly is not in a position to provide for the coordination of the nutrition program with other Federal programs under the jurisdiction of other Federal departments. For example, the provisions of Title VII will in a small way help in providing supplemental employment for some elderly because it requires that preference must be given to the elderly themselves for necessary staff positions. But the effective implementation of this provision will require the technical assistance and cooperation of the Department of Labor and the Office of Economic Opportunity.

Second, the proposed rulemaking imposes an areawide bureaucracy between the State agencies and the community level nonprofit private and governmental sponsors of the nutrition programs. I understand these planning and service areas known as PSA's are a device desiged by the administration to do away with the traditional pattern of State agencies receiving applications and funding directly a large number of small individual applications from both the public and the nonprofit private sponsors of programs in communities throughout a State.

Senator KENNEDY. What sense does that make?

Mr. PEPPER. Well, in the first place, in the statute itself there is no reference to what the State unit may be that will be the recipient of these grants. But in the guidelines, it seems to me, there is an arbitrary provision that the project area shall comprise a county—in my case it

would be 1.3 million people in Dade County operated by the metropolitan government that we have—or a city with not less than 250,000 inhabitants. Miami would be the only city out of 27 in my county that would be eligible to participate that way.

Now, that was not spelled out in the law, and the chief of the Bureau on Aging, one of the distinguished witnesses from Florida who has the prospect of appearing soon before your committee—having had a large experience, will recommend that at least in the inception of this program that these areas be made smaller and that we not insist on a State plan for the whole thing.

Proposals Call for Multiple Bureaucracy

Senator Kennedy. What sense does it make to add another bureaucracy? If it goes to the States, why not let the power of the States be able to award those funds and target them into the areas of need? What possible sense does it make to establish another whole bureaucracy so it goes to the States and then it goes to some planning council at 250,000 and then eventually it gets down to the community? I fail to understand why that makes sense administratively; and, second, it seems to me to separate the elderly themselves from participating in a more meaningful way on the local boards in the community and having direct access to the State and then having their participation of the State boards. To add this other kind of layer, it seems to me, to further remove elderly participation in the development of these programs.

Mr. Pepper. The distinguished chairman is absolutely right. In my State, for example, in any area, it would be the State of Florida and then it would be Dade County. That would be another bureaucracy that would have to go through the same proceedings that would be required for the State level, and it seems to me, since 10 percent of the amount granted is permissible for administration and if need be the State can supplement that in the amount necessary, I see no reason why the State representatives could not go into the area and invite proposals by these various units. We have a system of senior citizen programs throughout Dade County, for example. They are ready to go. The Senior Centers which operate the program—we feed every day with hot lunches about 800 to 1,000 people—would be ready to undertake a program right away, and the State authorities could easily discover similar groups among church groups and various other groups.

Legislative Author Not Consulted

Senator Percy. Congressman, could I ask, as the author of this legislation in the House side, were you ever consulted by the agency to help write these regulations during the process of drafting of those regulations?

Mr. Pepper. No, other than our own inquiries and contacts. They have always been gracious in their responses, but we have had no solicitation of advice.

Senator Percy. While they were developing these, from the time of the signing of the bill until their promulgation on June 6, were you

available to be consulted and do you have experts available that could have helped in that process?

Mr. PEPPER. We, of course, would have been delighted to participate.

Senator PERCY. Would it be desirable in the future to have a liaison with the author of a piece of legislation to be certain the regulations do carry out the intent of that legislation?

Mr. PEPPER. We would be very grateful to make such observations.

Senator PERCY. Thank you.

Mr. PEPPER. I am aware today that we cannot ignore the megalopolis and we, too, are aware of the financial plight of the States which restricts some States' ability to administer new programs. Nevertheless, I have grave concern that these project areas may remove direct participation of the elderly in the nutrition program and may undermine the support of volunteers in nonprofit private agencies at the local level, which was so well provided for in this program. And I am so glad to see a lot of young people in the high schools and the colleges are invited to participate as volunteers in the implementation of this program.

Therefore, the project areas were not provided for in the law and I would urge that such a structure not be mandatory but, rather, depending upon the readiness of various States, be permissive. I would urge further, particularly in the first year of the implementation of this program, that the project area concept be utilized for providing transportation, dietetic, and other supporting services, at the option and request of local sponsors of the program.

Mr. Chairman and members of the committee, if we have to wait in my State until the State of Florida has formulated and perfected a plan and that plan is submitted for approval and the necessary time has elapsed, it will be way in the fall before we can possibly get this program implemented. Whereas, if this project area proposal were at least eliminated for the first year of the life of this program, the States could use the facilities and the agencies and the groups that are now available to implement the program within the next few months. Next month there are going to be a lot of people in this country disappointed. They thought this program was going into effect July 1. So we must not insist on the project area requirement at the expense of getting the program underway, when the States could contact a lot of these local people and get it underway in at least a large number of areas at an earlier time.

GUIDELINES INSERT "MEANS TEST"

My third comment concerns the income standard proposed in the rulemaking—and I want to comment that the distinguished chairman, of course, steadfastly fought against—and so did his colleagues—fought against the provision of a means test in this legislation. But now, for all practical purposes, these guidelines provide a means test by using the definitions that relate to the general objectives of the legislation as the criteria of eligibility.

The rules provide that the Department of Commerce, Bureau of Census poverty threshold be utilized for the determination of areas for priority grants. I understand this threshold for 1970 was $2,194

for a family of two with the head of the household 65 years of age or older. I understand further this threshold is based on a family budget which provides for a food item that would assure only one-tenth of the minimum adequate diet for the average American. I would urge an effort should be made to reach all the elderly who qualify as low-income elderly under the Bureau of Labor Statistics standard for that Bureau's "intermediate budget." This income for an elderly couple averaged $4,500 a year in the spring of 1970, and I recall was the standard that was recommended by the White House Conference on Aging for the determination of adequacy of income for older Americans.

This guideline should be utilized with priority grants going to those areas with the greatest concentration of older persons with income at the lowest levels below the Bureau of Labor Statistics intermediate budget figure.

I am aware that the $100 million will not provide enough for all people in this country 60 years of age to get at least one good nutritious meal a day and to receive the other services that are provided. However, we can discover the need for future appropriations by the Congress by the number of people who apply, and the experience that we have with this legislation. It is all right to start off with the lowest income groups, but misery and loneliness and inadequate nutrition apply to many, many more people than the people below the $2,100 a year.

My fifth comment regarding the proposed rules concerns the limit of 20 percent imposed on any State for expenditures of a State's allotment to carry out the provisions for required supporting social services to the nutrition program. I have been keeping in close touch with the Governor of Florida and other officials in the State who express great concern about the need for adequate Federal subsidies to meet transportation costs required to implement fully the nutrition program. Until such time as Congress acts on various legislative proposals to meet the needs of the elderly for adequate transportation services, I urge that the Secretary of the Department of Health, Education, and Welfare have the discretion to allow for more than 20 percent when a State plan contains a justification for a greater expenditure for transportation necessary to support the program.

In the guidelines, it seems to me transportation is referred to rather incidentally. Well, you cannot have all the centers for these people located within walking distance of their residences. You are going to have to have transportation to make it a meaningful program.

Senator PERCY. Are you including in that transportation for meals on wheels, too, adequate transportation allowances to deliver hot meals or meals to shut-ins who cannot get out?

Mr. PEPPER. It does provide for the delivery of meals to those who are unable to come out to the center where the meals are to be served, and that would be through such a program.

ESTABLISHES "FEE" GUIDELINES

One other provision in the proposed rules raises serious policy issues. This is the provision that the State plan shall provide that each project shall have a project council which, among other things, will be responsible for "the establishment of suggested fee guidelines." The

law provides that "recipients of grants or contracts may charge individuals for meals furnished, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the sponsors of the nutrition program, including volunteer and financial support." It is certainly clear that the intent of the Congress was that no means test should be utilized in any manner whatsoever, and that in appropriate cases individuals would participate in the program even when they are not able to pay anything. The provision for the establishment of fee guidelines should be eliminated. Instead, a provision should be made that the project council shall set a maximum figure which is low enough to be within the reach of most of the participants. Local sponsors should then be encouraged to solicit the additional support from any of the participants who are able to make a greater financial contribution to the program.

As I said a moment ago, Mr. Chairman and members of the committee, there is a reference in here to the fact that information gained from people who apply for participation in the program shall be kept confidential. Now, what does that suggest except that a means test is going to be applied? How much can you afford to pay? Yet the guidelines provide that the individual, from his own conscience, shall determine how much he or she shall pay, and yet the guidelines specifically limit the eligible to the categories that are enumerated in the first section of the legislation.

So, when you take all that together, it is pretty obvious that the applicants at least are going to get the impression that a means test is applied to those who seek to take advantage of this legislation, and I think Congress—which so insistently cleared this legislation of any suggestion of a means test and intended that it not be applied—should see to it in a supervisory capacity that a means test is not actually applied.

Senator PERCY. Congressman Pepper, you know human nature quite well. We all have to in public life. I have visited maybe as many as 30 or 40 of these feeding centers, several in Illinois and some right here in Washington within a couple of miles of the Capitol. I took Dr. Arthur Fleming with me one time.

In your judgment, do you feel elderly people of means, affluent people, middle-income people, would tend to go to a center for hot meals that they pay say a quarter for—as they do here—if they had the means of eating someplace else, or do you think the tendency is for lower income elderly to go to these feeding centers?

Mr. PEPPER. In general, people who have adequate means have their own provision for their dining. They eat with their families or friends at places which they have access to.

Senator PERCY. In these experimental programs in Florida, have you had any evidence of cheating?

Mr. PEPPER. No. There are those people that would get a pleasure, a degree of comradeship and friendship, from association with other elderly people who would perhaps like to go there. That is what I am going to mention in the concluding paragraph, what we eventually hope this program is going to mean to the elderly people of this country. That is, putting into this legislation a provision for the rendition of social and recreational settings. I foresee—and we are getting

to where we do things with greater acceleration around here in the public good than we formerly did. I used to say that in Washington that the period of gestation of a good idea was about 25 years. Well, it does not take quite that long now and I think with the experience we have with this legislation we would rather speedily improve it.

Hope for Dignified Retirement

But, what I foresee from this is a group of centers which would be, in fact, senior citizen clubhouses. Most of those people cannot afford a private club as many of us are able to enjoy, but this would be sort of a senior citizens' club, and they would find in that club not only the friendship and the comradeship and the fellowship of others similarly related in age and experience, but they would find educational and recreational opportunities and facilities there. I could foresee motion pictures, slides, and lectures; a library of books, magazines, and newspapers; in addition to recreational and social services available to them, and I hope that you two distinguished Senators sitting here today, who have so magnificently led this program, and we will cooperate in the House, and make this the charge of the greater hope for nourishment and dignity and satisfaction that the senior citizens of this country have ever had. Thank you.

Senator Kennedy. Thank you, Congressman Pepper. That was a splendid statement.

I think you have identified the principal areas of concern, that I share with you, about the new regulations—the new planning group of some 250,000; the failure of meeting our responsibilities under the Administration on Aging; the suggestion about how much of the funds could be made available for the use of transportation; and, how much ought to be used for the direct nutritional grants. I think this is useful and certainly the view that I share.

No Need for Means Test

Coming down hard on the questions of the means tests in the last comment which you made. Do you not think it would be possible to set some kind of guideline? It could say that those in either an area or region, understanding the income structure—and it is not terribly difficult to get that information; the statistics are available. It shows that about 21 percent of the people between 50 and 55 are making $1,000 or less; and, 79 percent are making between $1,000 and $3,000. So could you not just take a region or area and say that you are going to have a certain minimum amount, maybe 50 cents or whatever, and then you would ask those that were able to pay more as a voluntary contribution be able to pay more. So you are putting some kind of initiative on the part of the people. It is certainly my impression that I share, I am sure, with Senator Percy that no one is trying to beat the system, trying to get a hot meal. It seems to me that that is certainly much more in accord with the kind of dignity that the sponsors of the legislation felt was essential in the development of it.

I am going to work with you in insuring that we are not going to provide a means test in this. I feel strongly about it. We brought that up with the administration officials when we had that hearing a week

ago. Then they showed some sensitivity to this, but we will have to just wait and see in the development of those regulations.

But I think you have been very specific in these suggestions, and I want to commend you for them. I am in complete agreement.

Mr. PEPPER. Thank you very much.

Senator KENNEDY. Senator Percy.

Senator PERCY. Just a very few quick questions to be sure the record is complete now. Before I ask them, I would like to say I have never sponsored a piece of legislation that groups could not go after it later and find ways to improve it. I am asking these questions in that spirit. If the answers are in any way critical of what has been done, I want to go on the record now in saying I know Commissioner Martin almost dropped everything in order to try to put out the regulations to cover this kind of program when there was not much time.

Do you feel the regulations reflect the original intent when drafting the authorizing legislation or are they subject to improvement?

SOME GUIDELINES CONTRARY TO INTENT

Mr. PEPPER. I think they are subject to improvement and in several respects, most of which I enumerated in my statement. The proposed guidelines do not reflect the intention of the authors of the legislation and in some respects they go exactly contrary to the intent, as, for example, with respect to the means test and with respect to the area projects and who is going to administer the programs.

Senator PERCY. So I think from the standpoint of our intent in the Senate we possibly in the legislative history should have made it a little clearer. I think the incidence of cheating in this area would be very small. I am willing to tolerate, let's say, 3 or 4 or 5 percent because I have gone around and I have wondered occasionally at seeing a retired teacher sitting there, but I would not want to take that retired teacher who is living on a minimum income and subject her to a means test. I have seen some of them who, because they came there, they needed something else. Maybe they could have afforded a dollar and a half for a meal, but with their higher educational quality they gave something and stayed. They needed nourishment for the soul, really. They were there for a purpose, and I think they contributed more than they took away from the total program. So I would not want to subject them to a means test.

Is the State of Florida prepared to implement this program on July 1?

Mr. PEPPER. No. We recommended that Mr. Oliver Jerrigan be permitted to appear today and I hope he appears. He is the head of the Bureau of Aging under the Department of Public Welfare in Florida, and he revealed rather disappointingly to me that he had not prepared any kind of a comprehensive program. I spoke to the Governor about this and asked him to put some impetus behind it, but we cannot possibly come up with a comprehensive State program that would have an opportunity to be considered and criticized and then reviewed in Washington and get this thing started in the next 2 or 3 months.

That is the reason I think this committee can perform a magnificent service, if you will get them to start something with the people that are

already able to put a program into effect that are already carrying on a nutritional program in many areas, with such others that might be brought in, and then we could perfect the organizational chart at a later time.

Senator PERCY. One last question. It is not directly related to this legislation, but we have had 1 day of hearings on what I consider to be quite an interesting fact that we discovered. As of June 30, $400 million is going to be returned to the Treasury Department as unused by the Department of Agriculture, that was authorized and appropriated by Congress to feed the hungry and malnourished in this country. I chaired these hearings to find out whether the hunger gap had been closed and to proclaim hallelujah if we had closed the hunger gap and we returned all that money because we had solved the problem.

Could I ask the question of you: Have we closed the hunger gap in the State of Florida?

FAR FROM CLOSING HUNGER GAP

Mr. PEPPER. I will say to the able Senator, far from it. Not only are the statistics generally available that show that a large—I believe it is about 20 or 30 percent—group of the senior citizens of this country have a below poverty line income level, but I know from my own area at the present time that I have within my district, South Beach along Miami Beach, there are some 30,000 or 40,000 people below that level. I was down there one time with a member of the Ways and Means Committee from the House of Representatives, and we had a public meeting and had 300 to 400 people there.

I asked the question of those people: "How many of you here receive any income other than your social security? Those who do not receive any income but social security, hold up your hands." There was a forest of hands in the room.

Then I said, "Everybody in this room who receives less than $100 a month, hold up your hand," and three-fourths of the hands went up. Then I asked, "How many of you receive less than $75 a month total income?" and at least 30 or 40 percent of the hands went up then.

I have been in the apartments of those people where they had their food in paper sacks along the floor because they did not have any kind of a refrigerator. In the winter they would use their gas stoves to heat the place because their apartments had no central heat; and sometimes, when there was a little temporary cool period, the landlords would shut off the gas. If they bought a newspaper it meant, ordinarily, a sacrifice in some food for them at the cheapest cafeteria—or any other place that they could possibly find.

Now, the able Senator has been out over the country and seen the need for it, and it is shocking to me that there would be a surplus of money for food from the Department of Agriculture turned back to the Treasury when there are so many hungry people in this country as there are, particularly in the senior citizens' groups.

Senator PERCY. We have had testimony that there is still a great deal of hunger among elderly people and among other people in this country, and in a few days the administration will be called in to answer as to why $400 million is being returned. I will precede the

hearing by this statement: That in recent years we have done more to close the hunger gap than at any period in our history—and Senator McGovern made that statement originally—but the question is: Have we finished the job? I am told delivery is difficult to get meals to the elderly. Let me ask this question: Do you find any citizens in the State of Florida that we cannot, somehow, that the Federal Government cannot get an income tax statement to before April 15?

Mr. PEPPER. It is shocking to suggest that with all this communication and transportation facilities that we have and the ingenuity that I still think Americans possess, that we cannot get some meals to the people that need it in any part of America.

Senator PERCY. Thank you very much.

TAKE CAREFUL SCRUTINY OF MERGE PROPOSALS

Mr. PEPPER. Mr. Chairman, there is one thing I would like to throw out as sort of a caveat. I am advised that there is an administration proposal to merge possibly this Older Americans Act and the Social Services Act. Now, I think all of us ought to take careful scrutiny of such proposals to see whether or not it is in the interest of the elderly people that we do separate these two functions. If we do put them together, at least let's see to it that there is no diminution in the amount of money provided for them separately if they should be merged.

Senator KENNEDY. Before leaving, Congressman Pepper, we hear so much about the response that if we set a minimum figure, which I think should be probably established or set by the local groups, that maybe there will be people that will come in there and cheat on it. I mean, we do not even blink about 35 or 45 percent pilferage in Saigon Harbor, and yet when it comes to 4 or 5 percent or something of our elderly people, everybody starts making a big issue of it.

Senator PERCY. Nor do we fail to blink at the possibilities of fraud that exists in our agriculture surplus crop support programs that cost $3 or $4 billion and the excess payments that may be made in those programs. These programs have been going on for 30-some years now.

Mr. PEPPER. Senators, we have all been around here a good long while. I have generally observed that the Government of the United States can do what it really wants to do. When we establish a list of priorities, we carry them out, and I am glad to see this problem emerging as a priority, and we can do it if we just will, and we are not beginning to meet the needs in this area.

Senator KENNEDY. Just finally, Congressman, we will be talking about these regulations this morning and about the difficulties of Florida getting a chance to develop a program. As you remember, we passed this legislation at the end of last year. We could have passed that and the President could have signed that in December, but Mr. Ford in the House of Representatives, the minority leader over there, objected to the consideration so it was put off until February and not signed by the President until March. I know Commissioner Martin will be taking the heat from many of the State Governors and administrators for the failure of getting the regulations out until the past few days and not giving elderly people a chance to respond to these regulations.

But if there had not been objection to this, we could have passed that bill and it could have been implemented. It would have given Mr. Martin the time to develop these regulations and given more time for elderly people to make comments, and States a chance to take advantage of this program much earlier.

Since we are talking about regulations and giving Commissioner Martin some heat about them and about their development and the lack of time, I think it is appropriate to look back and find out where some of the problems began.

Mr. PEPPER. I think what you say is so significant. I remember very well the disappointment we all had when that objection was made. We would not, under any circumstances, criticize adversely Mr. Martin, but we might induce him to recognize that in view of the tardiness with which he was able to get these guidelines prepared, perhaps due to circumstances beyond his control, we might have a more flexible system of effective application of the program, at least in the first year, until we can perfect the organizational symmetry of what may seem most desirable.

Senator KENNEDY. Thank you very much.

Mr. PEPPER. Thank you.

Senator KENNEDY. Our next witness is Dr. Jean Mayer, who is professor of nutrition at Harvard University, perhaps the Nation's foremost authority on what we eat and shouldn't and what we do not eat and should. Dr. Mayer has distinguished himself throughout his career, not only in the expertise area of nutrition, but in educating the public of the linkage between the problems of nutrition and the problems of poverty and the problems of child care and problems of the elderly. He is Chairman of the White House Conference on Food, Nutrition, and Health; and Chairman of the nutrition section on the White House Conference on Aging.

Dr. Mayer has been a source of counsel for both the executive and legislative branches of Government. We want to welcome you here.

STATEMENT OF DR. JEAN MAYER, PROFESSOR OF NUTRITION, HARVARD UNIVERSITY

Dr. MAYER. Mr. Chairman, Senator Percy, a number of the points which I think deserve to be emphasized have already been made in Congressman Pepper's interesting testimony. I would like, though, to have an opportunity to review the social and general medical context in which the elderly have problems, to talk about their specific nutritional problems, and to discuss a number of criticisms of proposed regulations.

I think that it is worth mentioning that while we have recently become interested in the problems of the elderly, our country has never been particularly kind to the old. It has always been a country which offered opportunities to the young and the vigorous, but I think it may be said that in the very founding of the country and in its settlement westward the elderly were left behind. They were left behind in Europe, England, Italy, Ireland, and they were left behind in the westward migrations. People who settled in Illinois probably left

aged parents in New England without the insurance that they would receive needed help, such as the provision of wood in winter.

The geographic abandonment of the elderly has been precipitated by the great mobility of our citizenry in the pursuit of better job opportunities. People move extremely frequently and either do not want to or cannot take their aged parents with them. So we are dealing with a population which is not only poor, but also tends to be isolated from their relatives.

Sometimes the isolation takes place even in a small geographic area. I think all of us are familiar with neighborhoods, which have changed in character, leaving the elderly behind, increasingly isolated from friends and relatives, trying to center themselves around their churches and what community centers they can support.

From the medical viewpoint, the aged suffer from a great many handicaps. In fact, to become older is to be hit by various diseases of old age. The most significant, of course, is cardiovascular disease, heart disease, disease of blood vessels, which are not only our number one cause of mortality but also our number one cause of disability. The hardening of the blood vessels leads not only to strokes and coronaries but to renal diseases, to loss of hearing, to loss of vision, and to loss of limbs. A great many of our older people are diabetic, which aggravates the risk of cardiovascular diseases. Many have arithritis which seriously hampers their mobility.

The lack of mobility due to chronic diseases is compounded by the inability of the elderly to afford cars.

Another problem suffered by the elderly, particularly the poor, is the loss of teeth. A great majority have either no teeth or badly fitted dentures. This of course limits their diet.

Finally, as has been said already by you, Mr. Chairman, by Senator Percy, and by Congressman Pepper, the elderly are poor. Most of the elderly today are not covered by Social Security. Their occupations were not covered by Social Security when they worked. Many have no pension, and certainly one of the outright scandals of our industrial society is the loss of vesting of pension rights causing people who have worked a very large part of their life to lose pension rights if they lose their job due to changes in the economy.

The net effect of all this is that the elderly either live alone, isolated, or they tend to be put prematurely into nursing homes by their children, usually because their children fear that unless their parents are institutionalized they will not be fed and no one will look in on them every day—they could break a leg or hip coming out of the bathtub and not be found until too late.

Elderly Feel Incarcerated in Nursing Homes

It is my experience that the elderly feel about nursing homes just the way the young feel about the draft. They do not want to go. They feel that it is an abrogration of their most basic freedoms and they feel that it is forced on them by the middle-class power structure over which they have no control. It is done for "their own good," but very often their house is sold out from under them so that the money will become available for them to be incarcerated in the nursing homes.

The net effect of all this, and countless other factors such as the large size of many commercial food packages, the lack of storage and refrigeration and so on, is that the elderly are generally poorly fed, with a diet showing little variety, and with no incentive to prepare, serve or consume dishes that require extensive preparation.

Now, what have we done so far about this? We have made the elderly eligible for commodity programs, those programs no one likes. They are special foods for the poor, often consisting of unfamiliar foods and often packaged in such large cans that for instance, a single person cannot consume the can of meat before it has become a menace to public health. Furthermore, how are the elderly, without transportation, going to bring those foods home?

Food stamps are vastly preferable. They have the same flexibility as money in the supermarket, though they are not redeemable for restaurants meals or community meals and they require the individual to go to the store and bring the food back.

I have shared the impatience which you, Mr. Chairman, Senator Percy, and Congressman Pepper have expressed concerning the delay in making the proposed regulations available. I do understand why this has been so. The delay in the passing of the legislation has been a factor and, again, I would like to pay tribute to Commissioner Martin for producing those regulations in spite of the short time he has had to do it.

Correct Regulations Now

At the same time, I feel there are a number of deficiencies which hopefully we can correct now. First of all, let me point out that while I certainly recognize that man does not live by bread alone and that one of the essential reasons to have a program of this sort is to recreate a social life for people who are increasingly isolated and abandoned, at the same time, we have to take care of their nutrition. The nutritional problems of the elderly are well known. A number of them are just plain undernourished. This is engendered by poverty, lack of mobility, lack of teeth, sometimes impaired absorption. The elderly, by and large, are the only group I know of that almost systematically gain weight on hospital food, which is something most of us cannot achieve.

Senator Kennedy. Why do they gain weight?

Dr. Mayer. They gain weight simply because they have not eaten properly for months and are finally being given three meals a day.

Obesity is a particular risk because of the lack of mobility and the excess of sugar, fat, and other concentrated sources of calories in their diet. I have mentioned already the problems of atherosclerosis. Accentuated by inappropriate nutrition, high in saturated fat and cholesterol, the cardiovascular risk may be aggravated by excessive salt consumption in the presence of hypertension, which is a very common phenomenon among the elderly.

Vitamin deficiencies, particularly A and some of the B vitamins are common in the elderly. In fact, there are certain syndromes of mental depression and confusion well known to exist in the elderly as a result of poor vitamin B intake.

Iron deficiency anemia is very common among the elderly. Our own studies in the Department of Nutrition at Harvard show that in Boston, in the Roxbury section, up to 25 percent of the elderly are anemic, both among men and women.

Fluoride Helps Retain Calcium

Osteoporosis, demineralization of bones, is accentuated by a diet low in calcium and lack of fluoride in the water system. Fluoride not only strengthens teeth of children, it has been recently shown that it helps to retain the calcium in the bones of the elderly.

Senator Kennedy. Can you give us some information on that, about fluoridation retaining the calcium in the bones of the elderly?

Dr. Mayer. A number of studies have shown this.

Senator Kennedy. Maybe you could give us some references to that. I am chairman of the Health Committee, and we passed the child dental bill out of our committee. It is being held up over in the House because of the antifluoridation group that is getting louder and louder every year, unfortunately, and this is interesting as a positive point about what fluoridation does do for the elderly. I would be interested in it.

Dr. Mayer. The first studies were done in Texas and showed that in areas with high natural fluoridation there were fewer hip fractures among the elderly than there are among the elderly living in areas with low fluorides. There are various studies done in the Dakotas showing greater retained calcium in the bones in areas with higher fluoride intake and less calcium on the aorta.

Our own department has participated in a number of such studies, and if I may supplement the data ——

Senator Kennedy. If you can give the references, we can have staff check it out.

Dr. Mayer. All right. We have mentioned dental caries. It is a universal disease, and it is accentuated by diet high in sugar and low in vitamins and minerals.

I have mentioned already that diabetes is very common among the elderly and they therefore have special problems. A number of food intolerances are also common among the elderly.

All this leads me to a suggestion: The rather vague language of the regulations on nutritional supervision ought to be made more specific. The present language says something about persons "knowledgeable" in nutrition. Unfortunately, at this point, everyone thinks they are knowledgeable in nutrition and, in the absence of specific supervision, we may end up with programs which will expend every effort to deliver organic green celery stems rather insuring that the specific medical needs of the elderly are met as well as their general needs.

I would therefore like to see the regulations altered to say nutrition supervision should be done by qualified dietitions and nutritionists, rather than persons knowledgeable in nutrition. One would be qualified as a result of being a member of the American Dietetic Association or similar organization.

I would also like to see the distinction between programs that solely take care of community meals, and programs that solely take care of home delivered meals minimized. Elderly people have much greater morbidity than most younger people. They are sick more often and for longer periods. Often the sickness may not, in itself, require hospitalization. But, in the absence of other means of feeding one's self, one may be forced to undergo hospitalization at enormous cost to the community and to themselves.

GOOD FEEDING PROGRAMS SAVE HOSPITALIZATION COSTS

I think the point made earlier, that good feeding programs will actually save a great deal of money because they will make unnecessary a great deal of the institutionalization and hospitalization that now takes place, is one that ought to be emphasized.

Senator KENNEDY. That's a very good point, Doctor, because the utilization of hospitals and hospital beds for the elderly just for the reasons that you have identified is much too frequent, and as you quite appropriately mentioned, enormously costly and expensive. The hospital rates are just escalating dramatically and when you are talking about a few dollars a day to feed a person versus anywhere from the minimum of $45 or $50 to $155 at Mount Sinai in New York City, you see the cost of hospitalization.

Dr. MAYER. I think it would be worthwhile for the Administration on Aging to commission a study to determine how much money would be saved by expanding the feeding programs and thus eliminating the need to hospitalize older people solely to feed them and to look in on them in the course of the day.

Senator PERCY. So we are really talking about an investment that can be justified in the most conservative terms possible, not even in humanitarian terms which ought to be first, but in fiscal where it is absolutely sound.

Dr. MAYER. It is sound in two ways. First, better nutrition prevents the development of diseases. Second, such a program makes hospitalization unnecessary for mild diseases.

Getting back to the specific regulations, there should be provisions in any program that feeds older people for the availability of diabetic foods and special methods of cooking. A substantial number of the elderly require, for instance, a lower salt diet than the general population—if not a low-salt diet as such. Thus either special foods have to be made available or those people who conduct the program ought to be instructed by qualified dietitians in these food preparation programs.

I would like to reemphasize a point which was made by Representative Pepper and by yourself, Mr. Chairman, and by Senator Percy: That the regulations as they stand appear very unwieldy. The needs are enormous. I think that if the meals are served in a pleasant atmosphere they will attract not just the poor but the middle-class elderly, who are often just as isolated and abandoned, as well. By emphasizing local programs, we will reach the greatest number of such people. Any program conducted in a public building and in the cafeterias of the high schools—obvious potential sites for such programs, since they are next to well-equipped kitchens which are usually used only 2 or 3 hours a day for half the days of the year—carries the connotation of a welfare type of program.

Now, I happen to agree completely with ex-Chief Justice Warren that the definition of welfare ought to be vastly expanded to include all sorts of subsidization programs to individuals, and to industry, as well as to the poor, and that the opprobrium attached to welfare would be removed if we looked at our overall subsidy policy as welfare. Nevertheless, with the constant opprobrium attached to the word "wel-

fare" by so many public figures, the elderly are understandably reluctant to participate in any program which smacks of welfare. Senior center programs do not have that connotation.

Even though I do recognize the need for proper accounting procedures, even though I have been insisting on the need for proper nutritional supervision, I think the maximum amount of decentralization which would enable people to have such meals in a familiar club-like type of atmosphere would greatly enhance the chances of participation.

Senator KENNEDY. Could you just elaborate on that point a little bit, about the elderly people rejecting anything that sort of smacks of welfare?

PROUD AMERICANS QUIETLY STARVE

Dr. MAYER. I think experience has shown, particularly in New England, a great many elderly people are quietly starving simply because they did not want to go to the welfare office or in any way, shape, or manner appear to be asking for what really is no more than their right. They are people who built America, who defended it, who educated it, and they have prided themselves on being self-sufficient. Inflation is robbing them of a great deal of the value of their savings and yet they are very unwilling to ask for help in the form of welfare. They will go to church or to their friends and neighbors.

A program which is like a church supper going on every evening or every day is much more acceptable to them than a program which looks like something organized by public officials, even though it does come from Federal money. Also local flexibility is essential if we are going to reach them. Without it, the program may remain unknown to those it is supposed to reach.

Senator KENNEDY. You say that in a way that you would assume that those of us who sit on this side of the table would recognize the wisdom of that comment or statement. The general popular attitude is that there are so many people that are abusing the system rather than underutilizing it. I share the view that you have expressed here and I think in so many instances this is so much more accurate in understanding the whole human dimension of people and their relationships. Obviously, there are abuses, as there are in any kind of system, and certainly we understand that; but this idea about elderly people and nutrition is supported in the health area in the development of these neighborhood health centers. I have listened to people across that table who have a line of academic degrees say that if you provide health care in this country to needy people that it would be overutilized; and yet one of the common developments in the development of these neighborhood health centers is the first thing they have to do is develop an outreach program to reach out into the community because people are frightened about going down and they do not want to burden other people with their problems.

It is a rather interesting phenomenon. And the people who overutilize the health system are the rich who have the time to do it, not the poor who are scurrying around taking care of their kids or trying to get a job. You have reconfirmed my view, certainly, as to the ques-

tion of overutilization of the system by elderly people in just the nutrition program, and it is a interesting one and is not generally widely accepted or expressed that way, and I think it is particularly a very worthwhile comment given your experience and understanding of it.

Dr. MAYER. I would like to add that the rural elderly are even more neglected in this respect and are even more unwilling to avail themselves of public facilities than the urban elderly. This is a national phenomenon. While it may be most prevalent among minority elderly in the South and Southwest, it is true of all groups throughout the country. In my own work in Maine I found it very difficult to get the elderly in the rural areas to participate in programs which they desperately need.

Senator KENNEDY. I know you have been terribly interested in the whole need for accurate labeling of food products as to nutritional value, but I suppose part of the drive for that ought to be labeling it with letters that people can read. Is this a problem? Do you find that sometimes it is in so fine print that you could not read it if you had 20/20 vision?

PROBLEMS OF FOOD FOR THE ELDERLY

Dr. MAYER. The packaging of food for the elderly is a very serious problem. There is a shortage of small, individual packages, and in many cases the elderly have to pay more to feed themselves than families who are able to buy commodities in bulk. In addition, labeling is uninformative in terms of listing ingredients and giving the overall nutritional value. I am very much in favor of making both percentage ingredient listing—how much turkey in turkey pie, how much beans and pork in pork and beans—and explanation of overall nutritional value mandatory in labeling.

We all talk about the need for nutrition education. It is mentioned again in the regulations. But with 15,000 different products on the shelves of the supermarket and about 500 new products every month, unless we have informative labeling nutritional education is actually of very little value.

Senator KENNEDY. Finally, in this legislation, we will cover about 250,000 to 275,000 of the approximately 5 million. We are talking here this morning like we are really beginning to try to do the job. This is really just a drop in the bucket, is it not, as far as the need?

Dr. MAYER. I think it is a drop in the bucket.

Senator KENNEDY. It is an important one and no one is underestimating the significance of this. I do not think any of us that have sponsored it and are fighting for it have——

Dr. MAYER. I think this touches a very general problem. The American people, as a whole, have become used to thinking that health is something you buy in the form of medical care, instead of something you nurture by taking care of yourself and eating sensibly. There is just not enough money in the country to take care of all the acute medical needs unless more attention is paid to preventive medicine and nutrition. We must concentrate more on the individual's health throughout his lifetime, rather than considering it only from the moment he enters the intensive care unit of the hospital.

This particularly applies to the elderly who are more fragile. We must insure that they are on a proper diet—that means enough food and not too much and food not too high in salt and not too high in sugar and not too high in saturated fat. Unless some attention is paid in the program to what goes on at the other meals than the ones that are being provided, unless educational programs are grafted onto it, programs of community medicine, we can spend all our substance really by providing to prolong for 1 or 2 weeks the lives of elderly people. Less would have been spent by providing preventive medicine and it would have been very much more effective.

Senator KENNEDY. Finally, why do you think the country has been so slow to respond to this area of social need? You have been working on it for pretty near a lifetime. We have an important bill here and it is a significant one, and it will help hundreds of thousands of people. Why are we so slow in really accepting this kind of challenge, what do you think?

NEED FOR "SOCIAL" MEDICINE

Dr. MAYER. I think it is because we have been used to thinking of health as something that a patient buys from his physician rather than the result of individual and organized community effort. Before the middle of the 19th century, when mass infectious diseases, such as yellow fever, malaria, and typhoid were prevalent in the United States it was very apparent to those health-minded people who began what was called the cemetery revolution that the provision of clean milk and water was an essential function of society. This led to the cleanup of the water system and control of the sewers. With the disappearance of the mass infectious diseases, this need for social organization of medicine disappeared. It is reappearing now for two reasons. First, the discovery that a great many of our fellow citizens, perhaps as many as 20 million, have not shared in the general prosperity of the country: and second, the realization that once again, as in the Middle Ages, 50 percent of the men over the age of 40 are dying of one disease—cardiovascular disease. The problem has become too big for each individual to try to negotiate it with his own physician. Once again, we need community organizations; in prevention and in care and rehabilitation.

We are so used to the 1-to-1 approach that it is difficult to understand that we need, not socialized medicine, but social medicine.

PREPARED STATEMENT OF DR. JEAN MAYER

THE NUTRITIONAL PLIGHT OF THE AGED

America may have been the Land of Opportunity for countless vigorous or venturesome young men, but it has never been kind to the old. Its very founding and populating may have broken the heart—and the health—of many old people: The hardy Pilgrims who came to the shores of Massachusetts left aged parents in Boston, England and in the cottages of England—perhaps to the care of a remaining brother or sister or perhaps not. And countless other elderly parents must have been similarly left in the cities of Germany, the farms of Ireland, the villages of Sicily, the ghettos of Eastern Europe.

The story has repeated itself in our Westward migration. The Ohio settlers left aged parents in the farms of Maine and Vermont, hoping someone else would cut their wood for them in the winter. And the process went on from

Ohio to Illinois, to the West and the Pacific Coast, from Virginia to Tennessee to Texas. Lately, we have seen new patterns of abandonment of the elderly. In the pursuit of a career, children and their spouses are constantly reassigned from one city to another, leaving aged parents behind. In the pursuit of a better life, the younger members of various ethnic communities have moved to the suburbs, leaving their aged parents in urban areas increasingly populated by groups they regard as aliens, with as sole remaining common meeting places, churches and temples increasingly too large for their thinning numbers, and which they become more and more unable to support.

The aged suffer from many handicaps. They are poor. Most are not covered by Social Security (which had a coverage far from universal in their working days). They often have no pension. (The lack of vesting of pension contributions is one of the major scandals of our industrial life.) They are ferociously discriminated against in employment.

The aged are heirs to a myriad of degenerative diseases. They are handicapped by cardiovascular diseases, our number one cause of disability as well as our number one cause of mortality. Hypertension and atherosclerosis, leading not only to strokes and coronaries, but also to renal diseases, loss of hearing and vision, and loss of limbs; diabetes, which considerably aggravates the risks of cardiovascular diseases; arthritis, which seriously hampers their mobility. The lack of mobility due to chronic diseases is made worse by the fact that the elderly are too poor to acquire and maintain a car, are often found unfit to do so, and by the steadily worsening state (and cost) of mass transportation facilities.

The aged, in this country are largely edentulous; many lost their teeth very young—lack of fluoridation, lack of availability of dental care, and the high sugar consumption in this country have seen to that. This means that they have to use their few remaining teeth, their gums and badly fitting dentures to chew their food.

We have already seen that the aged are often alone and isolated. Their children, concerned over this isolation, solve the dual problem to the parent's welfare and to their conscience by pushing the elderly into nursing homes (who would feed you if you could not get out? Who would know if you broke your hip in the bathroom?). The elderly feel about nursing homes the way the young feel about the draft. It is an abrogation of their most basic freedoms, forced upon them by the middle-class power structure—and they don't want to go but are often forced to, with their house sold out from under them "for their own good" and the capital used to incarcerate them.

The combination of poverty, chronic disabilities, lack of mobility and loneliness (and countless other factors, such as the large size of many commercial food packages, lack of storage space and refrigeration, etc.) means that the elderly are generally poorly fed, with a diet showing little variety and with no incentive to prepare, serve or consume any of the dishes which require extensive preparation. The commodity distribution program is a ridiculous answer to the problem: it is unwieldly (How are the elderly to bring their commodities home?), consists often of unfamiliar foods and usually comprises large cans which lead to a series of identical meals, with the meat often spoiling before it is finally consumed. Food stamps are vastly preferable: they have the flexibility of money but do not solve problems of mobility, preparation or loneliness. The answer is a complex one, going from reform in the Social Security and pension plan systems to better city planning and more appropriate housing for the elderly. Certainly, special nutrition programs for the elderly—bring them to community meals or bring individual meals to them. Such programs of course serve more than a purely nutritional aim: they recreate a social structure which permit human intercourse, and the provision of medical, consumer, electoral and entertainment programs. From an economic viewpoint, these programs may save the Nation a great deal of money. By providing a daily check on the participating person, they obviate the premature institutionalization of the elderly, thus saving a great deal of unnecessary suffering and expense.

Frankly, considering that the President pronounced himself a strong supporter of the principle of these programs at the White House Conference on the Aging in November, 1971, and that Congress passed the legislation authorizing the expenditures of $100 million in fiscal 1973 almost immediately, I am a little surprised that it has taken as long as it has for the proposed regulations to be established. Needless to say, I welcome the hearings held by the Senate Select Committee on Nutrition and Human Needs, which once again, is the necessary goad to action. I will not, in this initial statement, comment in detail on these

regulations, except to say that particular attention should be paid to the rural aged, particularly those from minority groups—Indians, Eskimos, and denizens of our island territories and dependencies. It is hard to be old in America; it is even harder to be old and black, old and Spanish-speaking, or old and Indian.

Let us remember that the elderly have worked for and fought for America. Whatever we can do here is no more than a small repayment on a debt we can never redeem.

NOTES ON NUTRITIONAL PROBLEMS OF THE ELDERLY

The elderly present certain frequent nutritional syndromes which would be alleviated by the provision of regular meals supervised by dietitians.

UNDERNUTRITION

Engendered by poverty, lack of mobility, lack of teeth, sometimes impaired absorption.

OBESITY

Engendered by lack of mobility, excess of sugar, fat and other concentrated sources of calories.

ATHEROSCLEROSIS

Accentuated by inappropriate nutrition, high in saturated fat and cholesterol; the cardiovascular risk may be aggravated by excessive salt consumption in the presence of hypertension.

VARIOUS PARTIAL VITAMIN DEFICIENCIES

Low intakes of vitamin A, the B vitamins and vitamin C are common in the elderly. Certain syndromes of mental depression and confusion in the elderly are thought to be related to low B vitamins intake.

IRON DEFICIENCY ANEMIA

Recent studies show a very high prevalence of anemia among the elderly poor, both women and men.

OSTEOPOROSIS

Demineralization of bones is accentuated by diet low in calcium, lack of fluoride in water system.

DENTAL CARIES

Accentuated by diet high in sugar, low in vitmains and minerals.

DIABETES

The nutritional problems of the elderly diabetic poor cannot be solved without substantial community help. The same is true of a number of *food intolerances* and loss of specific intestinal enzyme activity.

COMMUNITY CENTERS FOR THE ELDERLY

Senator PERCY. Doctor, before I ask you questions, I would like to comment on the chairman's and Congressman Pepper's notes about community centers for the elderly. I think they are essential, and I did introduce a bill, S. 1588,* on April 20, 1971, with the cosponsorship of Senator Hart of Michigan, which calls for the construction of community centers. It authorizes $70 million for the first year and up to $200 million as of 1975 for their construction. I feel centers of that type, plus a nutritional program, can be an answer to prevent so many people going into nursing homes. The minute they go into the nursing home, if they are indigent, we pick up the whole cost, $500 or $600 a

*See Appendix 3, p. 375.

month, and they are in an atmosphere many times that is just degrading to them. We can prevent that for a very modest cost. I think when we think about what we put into young people on dormitories on campuses, we run into billions of dollars, and certainly modest investments here for community centers would help a lot.

I would like to also comment on our commodity distribution programs. I felt rather deeply about this program because in the 1930's we were the recipients of commodity food distribution that was dropped off at the door. I can remember my Republican mother saying she voted for Franklin Roosevelt because he fed us, and that shocked my father. We were able to get food delivered. I can remember the trucks coming up delivering it.

Today, some 30 years later, we have a commodity food distribution program essentially set up for the farmers, not the recipients. What they get is what the farmers have left over. If you have a big surplus orange crop down in Florida, we will buy it up and then they get orange juice; but if we do not get a surplus crop, they do not get it; they get some other form of juice if that is in excess. The older people may get a lot of peanut butter if we happen to have an excess of peanuts in the crop and we have to sometimes get rid of it. We dump it on the elderly in 10-pound cans.

So I did introduce a bill, S. 3599,* and I just want you to know that we are now, for the first time, going to look at the program from the standpoint of serving the needs of the hungry rather than serving the interests of the farmers who are producing things in excess that we are not using. We call for small packages. We call for proper labeling and a wide distribution of products to be available, whether they are in surplus production or not, to meet the needs of the hungry.

So at least we are making a little progress in that area and I certainly know that our distinguished chairman will provide support for that legislation.

I would like to ask your judgment as to whether the regulations are sufficient to insure that menus meet the unique dietary needs of the elderly as you have outlined in your statement?

Dr. MAYER. I think that the wording is vague. I believe that rather than to try to legislate the menu we should guarantee that the menus are supervised by a qualified dietician. This is better than trying to enumerate everything that ought to be or ought not to be in the menu. I think that "knowledgeable persons," the wording of the regulation is unsatisfactory. I would like more specific wording.

Senator PERCY. What additional authorizing legislation, if any, is required to insure a nutritionally adequate diet to all senior citizens who are in need?

PROVIDE FUNDS FOR SPECIAL DIETARY NEEDS

Dr. MAYER. I would like to see some method whereby additional money, perhaps from medicare or some such source could be tapped for the many elderly who have special dietary needs. Again, I think we will probably find people going to different kinds of treatment. Some will go to the community center or wherever they are going to be fed;

*See Appendix 3, p. 401.

others to the diethetic outpatient clinic of the hospitals to get special foods; and some form of regulation which would make it easy to make that transfer of funds at the local level would be very useful.

Senator PERCY. I would like to ask you the same question I asked Congressman Pepper with respect to the $400 million being returned to the Treasury within 2 weeks now, that was authorized and appropriated by Congress. I can well understand that possibly $100 million would be unused simply because of administrative pipelines and so forth, and a desire of Agriculture to have an adequate amount flowing, but would it appear that $400 million, in your judgment, would be somewhat excessive, and does that imply to you from your knowledge that we have closed the hunger gap, or do we still have great human needs that could have been met if we had somehow found the way and had the will to do it?

Dr. MAYER. Senator, I am very glad you are asking me that question. There was an article* which has been much commented on the week before last in a widely read financial magazine, Barron's, sort of suggesting that there was no such thing as the hunger problem, that the needs were all solved and that the whole program was unnecessary.

In my experience, the needs are very great. The recent partial recession, which is attenuating itself now—but more from the point of view of industrial production than from the point of view of employment—has, if anything, increased the overall needs compared to what they were 2 years ago. The outreach of the programs is still poor. In fact, we have just found two cases of kwashiorkor, the disease caused by acute protein malnutrition, in Boston, in two Puerto Rican children. They were acutely ill, having been fed only some rice and some crackers, without their families realizing that they were eligible for outside help.

I think the Department of Agriculture can do a very much better job than is being done now in terms of making the availability of the programs known to our poor fellow citizens, particularly to those who have difficulty either reading English or do not speak English as their mother tongue.

Senator PERCY. One last question, because we have a record vote on the floor that has been called. I would like to ask unanimous consent that the editorial in this morning's Washington Post entitled "Thrift at the Expense of the Hungry,"** be inserted in the record this morning.

Senator KENNEDY. Yes.

Senator PERCY. I would like to put to you the last question that a 72-year-old woman, a diabetic, who testified before the hearings I held a week ago, asked. In a week and a half she runs out of her food stamps and does not know where she is going to get her food. She lives a mile from the Capitol. She asks this question: "Senator Percy, why are they going to give it back when I get so little?"

How would you answer that question? I said that I would open with that question when the Secretary of Agriculture or his deputy comes before us at the hearings to be held later this week or early next week. Is there an answer that can logically given to this woman?

Dr. MAYER. The only answer is that we operate a system which is so complicated that the only people who receive what the law says

*See Appendix 1, p. 313.
**See Appendix 3, p. 367.

they can receive are the people who are sophisticated enough to go out and press the right buttons. There has been a tremendous underutilization, not only of Government services but of volunteers, in making sure that people are reached as they ought to be reached.

Need for Young Volunteers

In this regard, Senator, I think that one of the events which I hope will take place as a result of the regulations and the previous legislation is a drafting of young people in these programs. The young very often get along with the old better than they get along with the generation immediately above them.

The old are not interested in seeing only older people. They are very happy to see younger people. It is a good relationship. Fortunately, at this point, young people are very much more aware of social problems and the needs for advocacy than their parents' generation is, so that the drafting of young people to work in programs of this sort is not only a way to have highly qualified free manpower, but also, to build some strong advocacy into the program and to avoid the sort of episode that you just mentioned.

Senator Percy. Thank you very much, Dr. Mayer.

At this time we will call a panel of directors of State agencies on aging: Charles A. Chaskes, executive director, Michigan Commission on Aging; James O'Malley, acting director, New York Office for the Aging; and Mrs. Elizabeth Breckinridge, supervisor of section on Services for the Aging, Illinois Department of Public Aid.

I give an equal welcome to all witnesses, but particularly to the witness from Illinois. Now, that our distinguished Chairman has issued a sermonlike statement, he will probably be delayed for a few moments on the floor and with the media, but I know he will be right along and I think it would be his intention that we go right ahead at this particular time and he will go over the record of all the testimony given.

Have you decided in which sequence or order you would like to go?

Mr. Chaskes. As president of the national association, I would like Mr. O'Malley from New York to lead off if he will.

Senator Percy. Fine.

STATEMENT OF JAMES J. O'MALLEY, ACTING DIRECTOR, NEW YORK OFFICE FOR THE AGING

Mr. O'Malley. I feel in an awkward position at this point with a lovely lady on my right—and particularly one of your constituents and a hard worker. But perhaps, Senator Percy, I can borrow on my status as a former Chicagoan and thank you for the work that you have done on this particular program, and hopefully that you will continue to do, since I have parents back in Chicago who, by age alone, at least, are considered senior citizens.

When Congressman Pepper talked about the young people in the room, I, too, was pleased, particularly because many of them are from Queens College in New York. But I was also disturbed in the sense that there were not enough older people.

We are here today talking about proposed regulations for a nutrition program for older people, and I want to begin my official testimony by thanking you and the members of the Committee on Nutrition and Human Needs for the opportunity to talk about the proposed rules and regulations for Public Law 92–258, the national nutrition program for the elderly.

I am honored to testify on two counts. First of all, your committee has a long and distinguished record of concern for this particular subject; and second, I have the honor and the consequent responsibility to represent the largest segment of older people of any State in this Nation. If I have one objective today, it will be to suggest procedures, policies, and regulations which will make it possible for the largest number of those older New Yorkers as possible to avail themselves of this program.

Although I come before you today primarily as a State official concerned with the needs of older New Yorkers. I will also attempt to convey the concerns of my fellow State executives in aging in my role as treasurer of the National Association of State Executives on Aging.

I was pleased to learn that the original 15-day review and comment period on these regulations has been extended—through the work of your committee—to June 26. In this way, you and Mr. Twiname, the Administrator of the Social and Rehabilitation Service in the U.S. Department of Health, Education, and Welfare, will have an opportunity to hear from many more of us in New York.

This very week, we will be mailing out more than 10,000 copies of this new law, and the proposed regulations thereto, and I am certain that the voices of our older New Yorkers will be given attention in the revisions which seem to be needed in these regulations.

I would be remiss, however, if I did not begin by publicly acknowledging the hard work which the Administration on Aging has done in putting together this preliminary document. I have had several meetings with the Administration on Aging over the past months on this new law, and although all of our recommendations do not agree, I can appreciate that theirs was an almost herculean task in trying to pull together so many diverse views.

And I feel comfortable in knowing that what I say before your committee today will help both you and the people in the Administration on Aging in refining these regulations to the point where they will help all of us to serve as many older people as we possibly can.

Need Quick Release of Appropriation Funds

But before I begin with any specific remarks, I would appeal to you, and through you—and I was pleased to hear that the House has already acted—to help us in this task by acting with dispatch on the appropriations bill which will put the money behind the authorizations which we now have. And when that is accomplished, to help us to see to it that all of these funds are released as quickly as possible by the Office of Management and Budget.

For our part, we in the States will move ahead equally as fast so that we can, in fact, bring hot, nutritious meals to older people who so desperately need them.

For the moment, however, I cannot help but be reflective and hopeful.

Nearly 200 years ago, the British Tea Act required colonists to pay an excise tax on all English tea. Many people engaged in quiet revolt by refusing to drink tea; others, like the colonists in Boston, engaged in more outright acts of indignation by throwing the tea into Boston Harbor.

For too many years now, we, as a nation, have been conditioned to forget some of the more serious and pressing needs of our older people—not the least of which is their need for an adequate diet.

And so, in the passage of the nutrition program for the elderly, perhaps there is a symbolic parallel to the Boston Tea Party—though in this instance, we will be throwing out the idea of "tea and toast" for the elderly and replacing it with the commitment to provide a minimum of at least one hot meal a day for people 60 years of age and older who may otherwise not have even such a minimum diet.

Hopefully, this landmark legislation may have the same effect on our Nation's history—in terms of meeting the real needs of our older citizens—as the Boston Tea Party had on our Nation nearly 200 years ago.

St. Francis de Sales, in his "Introduction to the Devout Life," made the following observation: "Persons of honor never think of eating, but at sitting down at table, and after dinner wash their hands and their mouths, that they may neither retain the taste nor the scent of what they have been eating." In the case of St. Francis, it was a spiritual act of abstaining from corporeal pleasures.

I am afraid that many of our older citizens could use the same words, but in their case they would have a more literal meaning; namely, that they would not want to remember the taste or smell of the food they were forced to eat because they could not afford to eat better.

Knowing the cause of a problem is only the first step. Creating the programs and services to eliminate these problems is the next and most important step. And that is why I am pleased that this new law is appropriately called a nutrition program and not just a hot meal program.

This new program will address itself to all of the present problems: It will provide the minimum of one hot meal per day in a central location; it will allow for meals to be delivered to the homebound; it will call for outreach to inform the largest number of eligible people about the program; it will provide special menus to meet dietary, religious, or ethnic requirements; it will provide for settings where—in addition to the hot meal—an older person can also have recreational programs and informational, health, and welfare counseling and referral services; it will provide training for the people who will work on the programs; and finally, it will seek the advice of older people who will participate in the program, as well as giving them a preference for staff positions for which they qualify.

We do, indeed, have the beginnings of an excellent program and we are all anxious to move ahead. Governor Rockefeller has designated our office for the aging in New York State to administer this new program and we, like you and the Administration on Aging, are anxious to move ahead.

With my testimony today, I am submitting specific recommendations for changes in the proposed regulations.* I shall be pleased to highlight these for you and officially submit them for the record.

But before I do, I would like to repeat a quotation of Archbishop Trench of Dublin, who, more than a hundred years ago, wrote what might apply most appropriately today when he said: "That which the fool does in the end, the wise man does in the beginning."

Let us, at this beginning, be wise men and not fools.

Senator PERCY. Thank you very much for an excellent statement.

Betty, would you like to go ahead now? I would like to say for the record that my office has really enjoyed working with Betty Breckinridge. We have been helped specifically on projects, and long before others were talking about the problems of the aging and trying to solve those problems, Betty Breckinridge was in the field working, dedicating herself, a lone voice at that particular time, 10 to 15 years ago. I have no hesitancy however, in saying that being an older person myself and a grandfather now, that I have been in the field even longer than Betty. At age 29, I was the honorary chairman of the Bell & Howell retirees group, which always went to the chief executive office, so by nature, I was then put into the program of working with those who had retired or were going to retire in our own company. So I may even have been in the field a little longer than you but you have been absolutely outstanding and we are most grateful to you for what you have done in our State and we are very proud of you.

STATEMENT OF MRS. ELIZABETH BRECKINRIDGE, SUPERVISOR OF SECTION ON SERVICES FOR AGING, ILLINOIS DEPARTMENT OF PUBLIC AID

Mrs. BRECKINRIDGE. Thank you very much, Senator Percy.

We certainly have enjoyed the sensitive and intelligent response that your office has always given us in our program. I do believe I rank you a bit in the field because last March fourth was my 25th anniversary in working with and for older people. Our first Chicago city plan began on March 4, 1947, when I was 32.

Senator PERCY. You are absolutely right. I took over that program in 1949 and that is 23 years. You rank me by about 2 years.

Mrs. BRECKINRIDGE. The Illinois program is the second oldest State program for the aging; the New York State program started in 1947 under the aegis of Al Abrams.

I have not a formal statement for you today because we have just now completed the State's role in organizing, signing contracts, and setting up nine area agencies on aging in Illinois. As you know, this is in accord with the strategy of the administration.

In looking at this nutrition program for the elderly, at Title VII, and how it can be implemented, we have tried to take a pragmatic approach. I cannot help remembering the old man in the black retirement community of Pembroke Township who was found dead of starvation with his little dog beside him. I cannot help remembering the withdrawal of a congregate feeding program in another location for 1 month during which month one of the participants, a woman,

*See Appendix 1, p. 317.

was found dead of starvation in her room, and one man jumped out of his window and committed suicide because of the withdrawal of the nutrition program.

Therefore, I am urgently impressed with the need to implement the intent of Congress at the earliest possible date and I would like to suggest and recommend that the Administration on Aging and the Social and Rehabilitation Service authorize the States to use up to one-half of the supplementary Title III appropriations, which we now have in hand, for congregate and home-delivered meals programs, including transportation and related services. I believe this could be done through administrative action.

I would also recommend that, in such action there be liberalized authorization for matching in kind. This might include volunteers at $1 an hour—as was possible in the early days of the Older Americans Act—credit for volunteers to work in delivery of meals, escort services and outreach; matching in kind for rent at going rates for spaces used for meals, and matching in kind of a percentage of some supervisory staff time not currently allowed, plus the value of other donated services for food preparation, handling, packaging, and delivery.

This liberalized portion of the in-kind matching should not exceed 15 percent of the total gross budget. In other words, there would be 10 percent normal matching according to present Title III regulations and 15 percent matching on a special liberalized basis. This would constitute a 75/25 matching basis for the project. We could then easily convert to the 90/10 basis when Title VII is funded.

I would like to eliminate the administrative restriction that projects should be contained completely within one State planning and service area. In Illinois, this is particularly relevant in connection with the local OEO programs. We have one request for a home delivered meals-plus program from Effingham. Effingham has rounded up the county boards of supervisors of seven counties. They have each agreed to put up $1,000. Unfortunately, they are in three State planning and service areas and it is going to be a task for Solomon to fit this request into this particular pattern. I would like a little flexibility in that respect.

Need Flexibility in Project Areas

I would recommend eliminating the regulation that a project area cannot be less than a county. There are certain natural trade patterns in Illinois in some of our counties that cut across a county line and there are certain cities in one county—I am thinking of Aurora and Elgin—where a common project would be most difficult. They would each insist on their own programs, and I would like to see some flexibility there, not to the point of proliferating a thousand small projects, but a reasonable amount of give in that regulation.

I would recommend eliminating the requirement that there be only one grantee for each project in a city of 250,000 and over. I am thinking here of Chicago. In Chicago, we have letters of intent to participate in the nutrition program from the YMCA. This agency has a department for the aged. It has restaurants and cafeterias all over town. It would be an excellent supplement to the established program in the city of Chicago. We also have a letter of intent from the Catholic charities indicating the desire of 115 senior parish groups to partici-

pate in this program. With programs of that size, it seems an unnecessary administrative complication to insist that they subcontract with the city government. I anticipate difficulty in this area.

I would also like to see, particularly in connection with our downstate counties, the requirement eliminated that each project serve 100 meals a day. You were in a project recently which served 39 meals a day and kept 39 people in their own homes. We have many smaller meals programs downstate.

I have these maps* which I will be glad to submit. The darker portions indicate the county's percentage of the voting population which is over 60. The darkest portions indicate the counties in which that percentage is over 30 percent. In those areas, if we are to get meals to the withdrawn and isolated, it will be necessary to have some projects serving less than 100 meals a day.

Senator PERCY. Betty, I am going to have to interrupt you. I have been urgently asked to come to the floor to present a $12.5-million request for homeownership counseling for low-income people. There is no other Senator that I can quickly get to chair these hearings. I am very, very sorry. Senator Pastore assures me I will be up immediately, and this should be disposed of very, very quickly, but——

Mrs. BRECKINRIDGE. This was really my last main point.

Senator PERCY. We want to hold you. You do not have a plane to catch, do you?

Mrs. BRECKINRIDGE. No.

Senator PERCY. We will just recess for a temporary period and I am extremely apologetic. The staff will try to find another Senator on the committee that can come in and chair the hearings while I am gone, but there is no alternative. I have to be over there or we lose this whole appropriation.

We will recess.

[Whereupon, at 1 p.m., the Select Committee was recessed, to reconvene at 2 p.m., on this same day.]

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*See Appendix 1, pp. 327–329.

AFTERNOON SESSION

Senator KENNEDY. The committee will come to order.

We have a number of statements and comments from the National Council on Aging: Retired Teachers Association; letter from David Goldberg of the Bread and Law Task Force; detailed, thoughtful analysis of regulations by the Food Research and Action Center; and the National Council of Senior Citizens. We will include these* in the official hearing record.

We will keep the record open for 10 days to get other kinds of comments to be made part of the record.

We appreciate the panel and I apologize for the interruptions.

Senator Percy and I are playing musical chairs here. He has some amendments on the—I believe it is the D.C. Appropriations, and right after that is "Lead Paint Poisoning," which is legislation I have introduced, which is terribly important as well.

He will be back shortly, but when the next bell rings, I am going to have to leave due to "Lead Paint Poisoning."

Do you want to proceed?

STATEMENT OF CHARLES H. CHASKES, EXECUTIVE DIRECTOR, MICHIGAN STATE COMMISSION ON AGING

Mr. CHASKES. Mr. O'Malley and Mrs. Breckinridge have both made statements and I would like to comment on some of their points; also, on some comments made by the previous witnesses.

I am Charles H. Chaskes, the president of the National Association of State Units on Aging, and the executive director of the Commission on Aging in the State of Michigan.

We are delighted with the nutrition bill, and the spirit behind the bill. We are forever grateful to you, Senator Kennedy, and to your colleagues for getting this piece of legislation passed.

We think that it can be a very, very useful piece of legislation and authorization for very useful programs to do what you intend to do, to provide an opportunity for nutrition for the elderly and an opportunity for socialization.

I think several of the statements that were made here this morning need elaboration. Senator.

Congressman Pepper and you questioned the desirability of the regional structure before programs were funded and I would point out that I do see an advantage to that approach in the long run.

However, I think it would be a mistake to insist that these regional planning councils are created first before we go about the business of creating programs within areas.

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*See Appendix 2, pp. 333–364.

I think that it would be perhaps unwise to turn our backs on what we have learned in the half dozen years the Older Americans Act has functioned.

Every State agency on aging has created a number of multipurpose centers throughout their States and many of these are in a position to go ahead—as a centrally located place where this nutritional program could be started.

I think to insist that the regional concept be built in first doesn't take into account the fact that the regulations and the guidelines seem to say that you must work with local governments. In order to get local governments, which in our State, I suppose, you would mean local county governments, to agree on accepting their responsibility toward the costs of a regional planning operation, is something that you couldn't get done in a short space of time.

All local governments would have to put it in their budget. At this point in time, most of the budgets have been made up, which would mean that it would give them a built-in reason for not doing anything until after the first of the year.

I think that it would be perhaps wiser to fund programs at central locations that are now operating, and I think that if the regional plan prevails, that all of these programs could be folded into a regional concept if that is the desire of the administration.

The only advantage that I can see to the regional concept would be the advantage of perhaps asking for larger grants, which the Office of Management and Budget seems to understand better than maybe a series of $30,000 or $40,000 or $50,000 grants for local programs. If all States are the same as Michigan, and I think that they perhaps are, then there are enough centers operating at the present time or enough programs operating that if we could fit this nutrition program into the existing centers, we almost would have statewideness of the program.

We have probably 60 to 70 centers located in the State of Michigan. And I would advocate that we be allowed to fund individual programs where, in the opinion of the State agency, it would reach a sufficient number of elderly to make the program economically feasible.

Senator KENNEDY. Well, how many is that, approximately? Are you talking about 100 or 5,000?

Mr. CHASKES. No; I do not think 5,000. For example, I can see in a city—the city of Ann Arbor which has a population of 60,000 to 70,000—there I can see one program that might feed 150 people a day. Also, I can see another program in that same city, in a different part of the city, that might only feed 60 people a day; but they would be reaching the majority of the elderly within their logical area.

The other point that I would make and that our chairman raised a question about—and I would support what Congressman Pepper has said—is I think it is tremendously important under whose auspices these programs are presented to the elderly.

KEEP NUTRITION PROGRAM FROM WELFARE CONNOTATION

Now there are many States, my own included, where there is sentiment by certain individuals to place this nutrition program into the social services department with Title XVI moneys. I think this would be a big mistake—I can just see older people saying, "If we want serv-

ice, we have to go to a welfare agency, we have to say please, go hat-in-hand, rather than participate in a program that the Congress, in its wisdom, said we should have."

I think that it would be a great mistake to allow this program to be run by any agency that has a connotation of welfare or connotation of poverty connected with the program.

Experience has taught us that there are many, many older people that don't avail themselves of food stamps, for example, when they meet all the criteria for obtaining food stamps because they feel that when they go through that supermarket line, if they give food stamps in exchange for the payment of their groceries, that everybody in the supermarket is looking at them. I think that if those of us in the field of aging, if we have learned anything about older people, it is that we should do whatever we can to bolster their self-esteem, not to put them in a position that they might regard as demeaning.

Senator KENNEDY. Very helpful comment, and I appreciate it. Directing your attention about that planning council level, I agree with you in questioning its necessity, and I appreciate it.

Was there anything else in those regulations you would like to make a comment about?

Mr. CHASKES. Well, Mr. O'Malley and I have been discussing the regulations, as a matter of fact, and he has a long statement* on the regulations.

I think that the one other point I would say that would be quite a stumbling block would be the suggested strategy as proposed by the administration. If the governor designated one area as a PSA—priority service area—it could get funds for the nutrition program for 90/10; whereas, if you were going to start a similar program in another area of the State which was not designated as a priority service area, that program would be funded as the regular Title III programs are: 75/25; 60/40; 50/50; and I think that this would be a decision that I would hate to make.

INDIVIDUAL NEEDS SAME EVERYWHERE

I would hate to tell somebody because he was in a smaller town or a more rural area—that he could not get a program on the same basis as somebody in a more heavily populated area; and this is why I think that we ought to take a good hard look at this priority service area concept because I think that the nutrition requirements of the individual are as severe and as necessary if a person lives in a rural area as they do in an impacted urban area.

As I read the bill, I thought that the intent of the bill was to provide the necessary nutrition to maintain a person's health; and while the bill does emphasize that we focus our attention on the low-income elderly, it does acknowledge the fact that people might not have a severe economic need but still might have a severe nutritional need because of isolation and boredom, et cetera, all of these things you know all too well.

I would point out in the last two words of the second paragraph of the bill which says, ". . . in dignity." I think that this is the crux of the whole situation.

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*See Appendix 1, p. 317.

Senator PERCY. Just one question, Mr. Chairman. Just one question of Betty Breckinridge.

From your own experiences in the State of Illinois, would you want to expand at all on the need for transportation services and the importance of transportation in connection with the nutrition and feeding program?

Mrs. BRECKINRIDGE. I certainly would. We have found this need both in rural and urban areas. Pembroke Township, to which I referred earlier, is an example of the rural situation. It is a black retirement community, with one black-top road, in 58 square miles and no public transportation. With the elimination of public transportation systems in many parts of the State both urban and rural areas are affected.

TRANSPORTATION SERVICES NECESSARY

Some people say you should set up a separate kind of transit program, but what we are doing to meet the immediate need is to fund, insofar as funds are available, small buses adapted to older people, with friendly drivers, with an escort so if they are in a high-rise, one person can help them take the groceries in and so forth. These are scheduled for specific routes at specific times for specific purposes.

One trip may be for shopping. One may be for certain hours for clinic and doctors' appointments. Certain times are for social outings, that kind of thing, getting to church. They are sometimes on a 7-day-a-week basis. In fact, we are trying to get almost 24-hour-a-day coverage for emergencies.

We funded a project which included a bus and a station-wagon for the Little Brothers of the Poor out in Lawndale, a ghetto community. There they are taking food and flowers and wine to the old people; but they are also helping them when they have to move, if urban renewal hits them. They will not only help them move; they will paint the apartment, and put the furniture in place; and if another piece of furniture is needed, somehow, in their own mysterious way the Little Brothers find that piece of furniture.

In the Uptown-Lakeview area of Chicago, where we have the densest concentration of old people in Chicago, Hull House provides coverage through its outreach workers, many of whom are senior citizens. There, the workers discovered that there was one building full of older people. They were very isolated in this very crowded city. The building was going to be torn down for urban renewal. Those outreach workers and the other workers at the senior centers found apartments for every single one of those people. They took the buses—they have two buses now up there—they took those buses and they moved them and got them settled in their new homes.

This is a kind of personal service on call. We are trying to ring the city of Chicago with such service and then have buses going into the center of the city. We are hoping we can get a radio communications hookup for better use of buses. We have the same need down in rural Illinois.

Senator PERCY. I would like to just comment to the chairman that just as he went over to vote, Dr. Mayer mentioned that here is an area where young people can be particularly useful and helpful, that

young people relate better to the older generation than they do to the next generation.

They have a lot more in common. Unhappy parts of it; they are both heavy users of drugs, heavier than any other age levels.

Maybe it is the feeling of being lost in society, cannot get hold of it, do not feel needed and wanted and useful and somehow sharing that in common.

Meals on Wheels Program

I just went out 2 weeks ago on a Meals on Wheels Program and got on the minibus and with a young worker who has been doing this for a number of months, delivered the Meals on Wheels with him without any prior notification to the people at all.

You walked in and sat down in their living rooms—people with broken hips, 80, 85 years old, could not get up to put something on the stove or get it out of the icebox, just rigid in a chair, could not get out really but did not want to go to a nursing home.

They lived in an apartment building or apartment hotel, some of them on Wilson Avenue. You know that uptown section in Chicago. They do not want to go to a nursing home. They wanted to stay there. But this is the only way they could do it.

What it meant to that person—one said, "I look forward more to this young man coming; he sits down and talks to me for 10, 15 minutes." You would like to hear also the stories that the young fellow told me about what it has meant to him to be able to engage in this program and see human need. He said, "I feel needed and wanted every day of my life now. When I came into it, I was not sure what my role in life was."

That is the same spirit the Peace Corps has. Young people have found themselves in Afghanistan that could not find themselves in the cities and towns of Illinois.

This is the kind of program that brings an awful lot of human souls together that can feed each other as well as get a good hot nourishing meal.

I really want to thank all of you very much for being here with us.

Yes?

Mr. Chaskes. I would like to add something from our experiences with transportation.

Of course, transportation permeates any service that you can offer to older people. If you cannot get the people to the services or vice versa, it is all a waste of effort and money.

In one community in Michigan, we started a program under Title III, itself—as an in-kind support toward the Title III grant—made available to the Council on Aging two station wagons with complete maintenance and insurance and a citizens' band radio in each one and in the home station in the senior center.

They recruited 40 volunteer drivers from the younger old people, the retired people that were in their late 50's or early 60's and the insurance company obliged by putting these people through some kind of a driving test to see that they had reflexes that were up to the job, and it has worked out very, very nicely.

We have given them credit for $11,000 in-kind for these two vehicles.

Well, anything in this field that you try spreads like wildfire. Now we find that there are two or three other communities in Michigan that are doing the same thing. The cities can always come up with a new automobile or lease an automobile and make it available to the center.

We found that station wagons were not the answer, that there should be some station wagons, but that they should have minibuses that are easier for older people to get in and out of, and they should have at least one vehicle with a hydraulic ramp to lift a wheelchair with a person in it.

We are funding a project in a larger city in Michigan now, and I guess all the projects that we are looking at now, we are saying to the people, let's build in some kind of a transportation component.

Usually it is a leased vehicle type of thing with part-time drivers and so forth, but I do not look for any nutrition programs to be funded without consideration for transportation.

Need Department of Transportation Funding Assistance

One other think that I would ask you, Senator Percy, if you would use your influence with the Department of Transportation. Every time a program in Michigan submits an application for a bus or for a transportation program for the elderly to the Department of Transportation, we are always told that it must be a unique system, and that it has to be a part of a mass transportation system. I would hope that you could get the Urban Mass Transportation Administration and the Department of Transportation to see if they couldn't consider funding some transportation components that would be part of this nutrition program.

Senator Percy. Thank you, very much, all of you. We appreciate it.

I think we probably have to move on to other witnesses. We have delayed. Could you submit your comments for the record?

Mr. O'Malley. Very definitely, but I would feel a little guilty on behalf of the State of New York and the largest number of older people in any State if I did not explicitly remark on some of the things that are in the testimony.

As I did with you, I want to congratulate Senator Kennedy on behalf of all of the older people in our State for the work you have done on this bill. And I would like to congratulate you, Senator Kennedy, on the publication of your new book which is going to discuss the health needs in America. And I wonder how related this evaluation of the health needs is to our program today.

There are preventive aspects in the nutrition program—in terms of health and income—and I think what we have touched on is the fact that we have been fighting any low poverty threshold figure being used for eligibility for a program.

You asked earlier about people not going on to public assistance rolls and it is very evident that they do not want to. And so, it is also very evident that this program could be preventive in nature if we allowed the maximum number of older people to use it.

It could help people from having to declare poverty if we set a standard that would be acceptable. The income determination is probably the most serious part of these regulations to which we object.

I will not go into the details on it here because the figures are available in my testimony. I will agree with the other people who talked about target areas.

In the State of New York, we can fund every one of our 62 counties, but out of our 60-or-so cities, we can fund only three: New York, Buffalo, and Rochester.

We have a town, probably the largest town in the United States, Hempstead, with over 800,000 people; of whom 96,000 are 60 and over. Under these proposed regulations Hempstead could not operate a program whether it wanted to and whether it had the financial support or not. The regulations would prohibit it.

I would also caution against changing in the wording with regard to minorities. I believe the wording that the bill itself had with regard to priorities for minority groups was better than the rewording that is now in the regulations. I specifically have in mind groups that now consider themselves as minorities.

There has been a great deal of discussion in New York of the older Jewish community being a minority. The reinterpretation of the law might almost eliminate the possibility for programs to serve these people.

And the fourth vital area which no one seems to have a handle on is continuity and tying in with other programs.

Does the Title VII program absorb all of the nutrition programs that are operated under Social Services, under the Office of Economic Opportunity, and under a variety of other sources, or does it only fund new programs or expansions?

I think the appropriate Federal and State agency people are going to have to get together to resolve what appears to be a conflict at all levels of Government with compounding instead of maximizing on the types of programs we should have available.

In justice to the other people on the program this afternoon, I will finish with that.

Senator KENNEDY. We stand in recess for a vote.

[Recess.]

Senator PERCY. The hearings will resume.

Our next panel will be the directors of local level projects for the elderly, Edward J. Kramer, director of services, Henry Street Settlement, New York City; C. W. McLoud, senior director, Senior Citizens, Dade County, Fla.; Mrs. San Juan Barnes, director of Senior Neighbor and Companion Club, Washington, D.C., that I visited; and Ivan Simonsen, director of Senior Services, Western Idaho Community Action Program.

These witnesses are all operating nutrition programs. They will be the ones who are on the firing line at the local level.

I think for the benefit of all of those in the room, I should explain the great difficulty we have in carrying on hearings in the afternoon. We will probably have more votes though I hope not for an hour so we can go right straight through.

It is a heck of a way to run a railroad, to operate this way, and it is a terrible inconvenience to those of you who have given so much time and thought to your testimony and given up the better part of a whole day. As a weak excuse, I can assure you that it was just exactly this

kind of afternoon when the appropriation bills were on the floor of the Senate that we saved the experimental nutritional feeding bill for the elderly last year.

If I had not given up another hearing someplace else, and said I had to leave and go down on the floor, we would have lost it, and we would have lost $12 million for counseling programs for low-income families this morning, and we would have lost the D.C. Jail this afternoon, I am afraid, if I had not been on the floor.

I hope that you will be understanding of this, but we certainly apologize to you for the inconvenience that this has caused you. I hope we can make it up by giving you an assisting hand someplace along the line.

Go ahead, please. How would you like to organize your testimony?

I think, in the interests of yourselves and others, your full text of material will be put in the record; and if you would like to just quickly summarize, we will try to keep our questions as concise as possible to move you right along so we can get to Mr. Martin. We all want to hear from Mr. Martin and his colleagues.

STATEMENT OF CLIFFORD W. McLOUD, EXECUTIVE DIRECTOR, SENIOR CENTERS OF DADE COUNTY, MIAMI, FLA.

Mr. McLoud. Senator Percy, I am Clifford McLoud, and we have decided between ourselves I would begin and read the statement* made jointly by several of us of the direct programs of nutrition for the elderly.

May I first express my appreciation to you members of the Senate Select Commission on Nutrition and Human Needs for inviting my colleagues and I to testify regarding proposals for Title VII of the Older Americans Act.

I wish to thank Representative Claude Pepper for his authorship of the original legislation as presented to the 91st Congress, and for his total commitment to Public Law 92-258.

Because of the impact these hearings will have on the implementation of Title VII, and because of the millions of older Americans anxiously awaiting a speedy startup, I feel this statement should be brief, concise, and credible.

I am currently the executive director of the Senior Centers of Dade County, Inc., in Miami, Fla., operating one of the largest nutrition programs for the elderly in the Nation.

During this fiscal year the senior centers will serve approximately 180,000 meals to older Americans living in Dade County.

Prior to my current position, I was chief of the Florida Bureau on Aging, responsible for the administration of Title III of the Older Americans Act in the State of Florida.

I have designed, and am currently administering, a research project for the Administration on Aging, under provisions of Title IV, to determine the effect of nutrition programs on the socially isolated elderly.

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*See p. 285

This study is referred to as Project Renaissance. I suggest to you gentlemen that I have the background experience, and actual operations expertise, to comment with considerable authority on the effective implementation of Title VII and particularly to comment on the proposed guidelines.

Those of us who work with the nutrition programs for the elderly are picking up the ball on the 5-yard line. The clock is running out, but I think we can still score.

Our project personnel must be convinced of the soundness of this premise that through adequate nutrition, a participant will benefit physically, mentally, and emotionally.

We feel the problems that the older people have such as assistance in education, that mental and physical activities, that all of these things help to develop an individual and to keep his vigor at a high level.

Comment on Guidlines

My remarks will be addressed to each of the guidelines on which I feel comment is necessary. I will mention each guideline and speak briefly about these.

Section 909.3 addressed to eligible individuals: I suggest that this should read, "The spouses or guardian of such individuals are also considered eligible."

Project area, item B, means the geographic area for which a single award may be made and it goes on to describe those areas, including Indian reservations. I suggest to you an additional statement be added to provide that smaller areas may be designated as project areas upon review, and recommendation of the State agency, with subsequent approval of the Secretary's delegated authority.

Section 909.18 deals with coordination of other agencies. Part 909.83 requires that supporting social services including comprehensive outreach, transportation, information, and referral services, health and welfare counseling services; nutrition education and recreational activities be provided.

Section B of this part provides that no more than 20 percent of a State's allotment for a given fiscal year shall be used for the provision of social services.

I would suggest to you, sir, that the 20 percent support limitation for supporting social services is inadequate to provide the projected demands for social services, particularly that of transportation.

I would suggest that we have a comprehensive review, if you will, of the priorities of Title III programs under the Administration on Aging, as they relate to the operation of the Title VII program, to insure adequate coordination. I would further suggest a task force be set up to study the feasibility of expanding the provisions of Title XVI of the Social Security Amendments of 1967, to include a direct tie-in with the requirements of this section, dealing with this provision of social services.

I am suggesting the following areas in Title XVI be considered:

1. Assurances be made that each of the 50 States has completed its plans for, and has implemented the necessary machinery to

contract with, private and/or public agencies, organizations, and institutions for the purchase of supportive social services.

2. The requirement of third-party funding.

3. The eligibility requirement of former, current, or potential recipient of public assistance be further expanded.

4. The matching requirements be revised to be more consistent with matching requirements of Title VII; Title XVI requires 75–25 percent matching.

We should also look into the possibility that Title XVI include an in-kind contribution as opposed to cash.

On Section 909.21, projects awards, I would suggest to you that part E of this item, "Each project must serve an average of at least 100 meals daily throughout the project area," be amended to include that, "This provision may be waived in the event that local geographic and/or population characteristics would make this provision impracticable." Such a waiver would require state and/or SRS approval.

On 909.22, "Strengthening of Existing Programs," I would suggest to you that the words "and expand" be added to line three of this paragraph following the word "strengthen."

On 909.34, "Selection of Congregate Meal Sites," I would suggest to you that either in this section, or part 909.59, "Allowable Costs," that there be a provision for the purchase of equipment and vehicles under the title of capital expenditures.

On 909.40, "Charges to Recipients for Cost of Meals," part E; this section must be reviewed and explained in much greater detail regarding the eligibility of persons using food stamps for home-delivered meals, the USDA guidelines are quite specific regarding the limitation placed on this provision.

On 909.49, "Purchase of Goods and Services"; part C should provide for renewal, options on contractual agreements provided both parties are satisfied with performance of the contracts.

Section 909.59 should provide for the purchase of goods and services.

Under the section 909.60, "USDA Donated Foods"; I would suggest that USDA or the Administration on Aging prepare for distribution, a handbook and/or guidelines that would clearly define the type of donated foods available.

The procedure for acquisition of such foods, and periodic equivalent cost charts for accounting purposes, especially when food service is contracted out to a private, profitmaking firm.

Rebuttals to Need for Means Test

One other statement I would like to make in response to a question mentioned about the means test. In Dade County, we are serving somewhere in the neighborhood—we have served somewhere in the neighborhood of 800 to 1,000 meals a day. It is probably one of the largest nutrition programs in the country.

In one day, we interviewed 1,000 people without any prior notice whatsoever, to determine what the income level of a person using our services amounted to. Less than 5 percent of those interviewed had incomes exceeding $200 a month. So, we felt that there were a few people who had incomes that were of—more than adequate, that were using

our services, but the majority of our people had extremely low, fixed incomes.

One of the problems we are experiencing with the use of surplus commodities is the type of commodity that is given to us: Cornmeal, rice, butter, peanut butter, cooking oil. Such distribution does not provide sufficient raw foods for significant reduction in raw food costs.

The other area we would like to think about just a moment is the effect, cost analysis, cost benefit we have experienced in Miami with a new program that has been developed in cooperation with the hospitals for the release of geriatric patients earlier with an agreement that senior centers provide food service and supportive social services to these patients.

In many cases, this has meant a release of 5 to 8 days earlier than they normally would have been released.

Talking about the nutrition programs, I think there is a great deal of merit—and, of course, this depends on the size of the community, the volume of the program itself—the use of outside contractors for this type of food service.

I believe there are many, many other methods that can be developed in the delivery of nutrition services to older people and which warrant further investigation. Thank you.

PREPARED STATEMENT OF CLIFFORD W. McLOUD

Mr. Chairman, gentlemen: May I first express my appreciation to you, members of the Select Committee on Nutrition and Human Needs, and members of the Minority Staff for inviting my colleagues and I to testify regarding the proposed regulations leading to the implementation of Title VII of the Older Americans Act, Nutrition Programs for the Elderly. I wish further to particularly thank my Congressman, Representative Claude Pepper for his authorship of the original legislation as presented to the 91st Congress, for his continued interest and perseverance and for his total commitment to Public Law 92-258.

Because of the impact these hearings will have on the implementation of Title VII and because of the millions of Older Americans anxiously awaiting a speedy start up, I feel this statement should be brief, concise and credible. I am currently the Executive Director of the Senior Centers of Dade County, Inc. in Miami, Florida operating one of the largest Nutrition programs for the Elderly in the Nation. During this fiscal year, the Senior Centers will serve approximately 180,000 meals to Older Americans living in Dade County.

Prior to my current position, I was Chief of the Florida Bureau on Aging responsible for the Administration of Title III of the Older Americans Act in the State of Florida.

I have designed, and am currently administering a research project for the Administration on Aging, under provisions of Title IV, to determine the Effect of Nutrition Programs on the Socially Isolated Elderly. This study is referred to as project "Reniassance". I suggest to you gentlemen that I have the background experience, and actual operations expertise to comment with considerable authority of the effective implementation of Title VII and particularly to comment on the proposed guidelines.

My comments will be addressed to each part of the guidelines on which I feel comment is necessary.

909.3 *Definitions*

A. Eligible Individuals—"The Spouses of such individuals are also considered eligible Individuals."

I would suggest to you that this section should read:

"The Spouses and/or guardian of such individuals are also considered eligible Individuals."

B. "Project area" means the geographic area for which a single project award may be made. This project area may not be less in area than a single

county, a single city with population of at least 250,000, or a single Indian Reservation."

I would suggest to you that an additional statement be added to provide that "Smaller areas may be designated as "Project Areas" upon review and recommendation of the State Agency with subsequent approval of the Secretary or his delegated authority."

909.18 Coordination of other Agencies Part 909.38, A.—requires that Supporting Social Services including: comprehensive outreach, transportation, Information and referral services health and welfare counseling services; Nutrition education and recreational activities be provided.

Section B of this part further provides that, Not more than 20 percent of a State's Allotment for a given fiscal year shall be used for the provision of Social Services prescribed in this section.

I would suggest to you that the 20 percent limitation for Supporting Social Services inadequate to provide the projected demands for Supportive Social Services particularly that of transportation.

A comprehensive review of the priorities of AoA Title III should be completed with the objective of coordinating there priorities with the stated goals and objectives of Title VII.

It is further suggested that a task force be established to study the feasability, on a national level, of expanding the authority of Title –VI of the Social Security Amendment of 1967, to include a direct tie in with the requirements of Supportive Social Services as provided for in Title VII.

The following should be reviewed:

1. Assurance that each of the 50 states has completed its plans for, and has implemented the necessary machinery to contract with private and/or public agencies, organizations, and institutions for the purchase of supportive social services.
2. The requirement of third (3rd) party funding.
3. The eligibility requirement of former, current or potential recipient of public assistance.
4. The matching requirements revised to be more consistant with matching requirements of Title VII (Title XVI requires 75/25).
5. To include a provision that Title XVI matching requirements may include "In Kind Contributions."

909.21 Project Awards

I would suggest to you that part E, of this item, "Each project must serve an average of at least 100 meals daily throughout the project area," be amended to include that, "This provision may be waived in the event that Local geographic and/or SRS approval.

909.22 Strengthening of Existing programs

I would suggest to you that you add the words "and expand" be added to line three (3) of this paragraph following the word "strengthen."

909.34 Selection of Congregate Meal sites.

I would suggest to you that either in this section: or Part 909.59, "Allowable Costs, that there be a provision for the purchase of equipment and vehicles under the title of capital expenditures.

909.40 Charges to recipients for cost of meals.—Part E.

This section must be reviewed and explained in much greater detail regarding the eligibility of persons using food stamps for home delivered meals, the USDA guide lines are quite specific regarding the limitation placed on this provision.

909.49 Purchase of goods and services.

Part C should provide for renewal, options on contractual agreements provided both parties are satisfied with performance of the contract,

909.60 USDA Donated Foods

Would suggest that USDA or the Administration on Aging prepare for distribution a handbook and/or guidelines that would clearly define the type of donated foods available, The procedure for acquisition of such foods, and periodic equivalent cost charts for accounting purposes, especially when food service is contracted out to a private profit making firm.

Senator PERCY. Well, I appreciate that very much, indeed.

Mrs. Barnes, would you like to go ahead?

STATEMENT OF MRS. SAN JUAN BARNES, DIRECTOR, SENIOR NEIGHBOR AND COMPANION CLUB, WASHINGTON, D.C.

Mrs. BARNES. Thank you.

I am the director of a 3-year-old program in Washington known as the Washington Urban League.

I am delighted to be allowed to speak about the nutrition program for the elderly.

Although I have seen the project grow from three to 17 clubs serving 348 older Americans a five-course meal 5 days a week in a social setting, I still am concerned about the circumstances surrounding the eating habits of the elderly.

I was very happy to hear you say this morning the Army—the country has found ways of feeding the Army, regardless of where it is and we should do the same for the senior citizens.

I would like to speak to the contributions to the program. I feel that they should be the same. As to the tendency to cheat, the senior citizens of today are so thankful and happy to be able to participate in a program such as this that they are willing to contribute their bit to the project and I think that the cheating is very, very small, if any. If fact, that was their way of life. They know they must pay the way.

Emphasis has been placed on the broad scope of the elderly, but it also includes specifically that forgotten elderly segment of the population, namely the American Indians, the black Americans, the orientals, and the Spanish-speaking people. These are the people who suffer most for they, too often, not only have to go without food, but generally, are not aware of the social services that are theirs for the asking, simply because they have not been exposed to this information.

The needs of the elderly have been analyzed. The results well documented. Now remains the challenge of implementation to reflect the goals spelled out in the nutrition bill. These proposed regulations do so very effectively. For this I am happy and I commend the committee.

However, as viable as the nutrition program might be, a question arises in my mind as to the feasibility of some parts of the mandate.

For instance, there are presently existing programs of long duration that have become a way of life for some elderly. The structure of these programs is not compatible with the 5-day-week site concept, for in these programs, the elderly meet only once or twice a week. Yet the senior citizens who participate in these programs look forward to that 1-day gathering with their friends and neighbors.

SOCIAL SERVICES CREATE BRIGHTER LIFE

The procedure of dressing up and coming to the congregate feeding station for a hot meal and social services such as nutrition education, counseling and health services, recreation, and may I add one service not included in the regulation listing, consumer education. That is very important. All of this already has given these senior citizens a newer and brighter outlook on life.

I am only saying, gentlemen, that as comprehensive as the goals of the nutrition program are, if the 5-day week, hot-meal onsite-only concept remains the mandate, then there will be senior citizens who unnecessarily will go hungry and will be denied the social services that may help them to lead a better life.

One hot meal a day in a site for 5 days or more a week in a social setting involving social services is ideal. Let us keep it and try to insist on this arrangement as much as possible but let us also try to provide for the people who meet for a lesser time per week. At least one hot meal a day in the same environment as the 5-day-week program under the same circumstances is better than no meal at all.

Further, gentlemen, it has been proven that these programs are not a waste of money, energy, or time but instead are a means of reaching more elderly, especially the isolated, to motivate them as well as to educate them and to provide social services.

So I beg of you to include this group of programs in the plans for the nutrition program for the elderly.

The goals established in the nutrition program are worthy ones, but let us not overreach, for goals set too high may fail to be as far-reaching as they could be or as realistic.

The conscience of the Nation has been aroused and concern for the elderly has reached new heights. Let us not be hasty to cut off those programs already meeting the needs of the elderly but instead help to reinforce these efforts as new goals are established. At least, let us try.

Thank you for inviting me to be with you this afternoon.

I close with the hope that this committee will continued to see fit to work in the interest of enhancing the lives of the senior citizens of this country. In their behalf, again, I thank you.

Senator PERCY. Mr. Kramer?

STATEMENT OF EDWARD J. KRAMER, DIRECTOR, SERVICES TO THE AGED, HENRY STREET SETTLEMENT, NEW YORK CITY

Mr. KRAMER. Thank you, Senator Percy.

I am Edward Kramer, director of the services to the aged at the Henry Street Settlement in New York City.

I will submit my written testimony* for the record and review the major points which I believe are important.

In speaking to many older people, we in New York City, would like to redefine, as was suggested by Mr. O'Malley of our State office, the definition of minority groups to read: "The definition of minority groups should not be limited to specific ethnic or racial groups but should be broadened to include all limited English speaking aged poor."

We also believe in-kind resources should be expanded to include credit for property, rent, facilities, and equipment and that the 10-percent non-Federal matching requirements by the State, the State should be able to consider this as a contribution of a local sponsor.

Senator PERCY. Could I ask a question there that puzzles me on limited English-speaking aged poor. What if you have very large Jewish communities, low income Jewish communities, but there is no problem about English speaking at all. They might speak perfectly fluent English. There is a particular dietary problem, particularly for a lot of orthodox. Wouldn't that be looked upon as a minority group then?

*See p. 288.

Mr. KRAMER. I would hope so. Then again, in many orthodox Jewish communities, you find people speak only Yiddish or Hebrew or mixed German or both.

Senator PERCY. We should not establish a criteria whether they can speak fluent English or not.

For nutrition purposes, we have to take into account that special dietary needs and requirements exist in certain groups in America that must be and should be respected.

Mr. KRAMER. I think one of the problems we found with some of the OEO programs and some of the Model Cities programs is that you get in New York and Chicago, the blacks wanting one program, the whites wanting another program, the Polish people wanting this, the Jews feeling they are left out of that.

As a person working with people for many years, I want to say let's avoid that now and let's not divide groups. There are enough divisions in this country. If we don't specify but limit it to the aged poor, and the other guidelines that are in the regulations, we would be better off.

DEVELOP ETHNIC MENUS AT LOCAL LEVEL

To continue, you had mentioned the regulations provide for meals which would meet ethnic and religious obligations, and I would like to recommend that the ethnic menus be developed at a local level with the cooperation of members of the program, of the site, and that the funds somehow be available for the supervision of the religious requirements.

For example, if we were to have a kosher program, you would need religious supervision, and it raises a question of who would pay for that. In New York City, the cost for that, to have a supervising rabbi, is $1,200 a year, and I would recommend that some decisions need to be made of where these funds would come from. Will they be the Federal funds, the State funds that come from the site, or should that be a contribution of the religious community?

I personally feel it should be a contribution of each religious community, and I am afraid we would get into where we have different leaders who see this as a way of getting Federal funds. I would hope that religious communities will see the benefit of this to contribute their services.

I would like to recommend that we try very hard to get food stamps, to again be able to be accepted for food, meals eaten at the center. It is not allowed at the present time and many people are using the food stamps, the people who are for home-bound meals. But many, many people have food stamps, and want to use them in the center.

I hope through your cooperation and the cooperation of the Department of Agriculture this could be worked out.

The guidelines I feel are somewhat vague on project staff, and I feel very strongly the selection and competency of project staff be very specifically spelled out.

Let's develop job descriptions for the project director, for the nutritionist, and other people working on the staff.

Let's not get into the situation where we have people who have been in civil service a long time come down and get these jobs. I think the

experience we found in working in the nutrition programs throughout the country, that this is not a 9-to-5 job. People do show up for a meal at all hours, and they cannot be refused because it is my lunch hour or because during the summer I get off at 4 o'clock.

If we do this we will destroy this program for all older Americans. Let's look very carefully at who we hire, how we hire, and the qualifications.

I would also like to comment on the outreach programs.

The regulations specify, somewhat, what outreach is.

I believe, however, that outreach. Leaflets are not enough, radio announcements are not enough, even community meetings are not enough, but it must be mandated that staff spend a certain amount of time doing outreach, knocking on doors, sitting on park benches. You just don't open a program and expect old people to come down.

I also fear that some programs may be established in communities where there is a lot of crime and older people are just not going to come into a specific neighborhood. We must give some thought to the neighborhood, how people are going to get there, will there be adequate police protection at the site and I would suggest to you that it would not be wasting money to hire a guard or security guard at a particular nutrition site if that was a high-crime neighborhood.

I don't think by the time this program gets implemented we will solve the crime problem in our country, and you know this is one of the fears that many older people have.

I would like to end by reading a note, a letter* I received from an older woman the other day. She had seen something we did on the TV, and she writes—she is from Birmingham, Mich. She writes: "We live in a small house. We just about pay our rent and property taxes. The neighborhood is full of young folks. They don't care about us. I think they would like to shoot us. Maybe some day, God willing, they will get old also. We hear they will be feeding us, but when? They move so fast for the younger folks but they don't do it so fast for us older people. We don't have that time to wait."

And you know, Senator Percy, I was thinking of something Robert Frost, the late poet, said in one of his poems, he said about "the long, long time to go before I sleep."

I hope this program will get off the ground much sooner because older Americans are going to be sleeping much too soon and let's avoid that. Thank you.

PREPARED STATEMENT OF EDWARD J. KRAMER

Distinguished members of the Senate Select Committee on Nutrition and Human Needs. I am Edward J. Kramer, Director of Services to the Aged at the Henry Street Settlement in New York City. I wish to thank you for the opportunity to testify on the proposed regulations and implementation of the Title 7 of the Older American's Act, the Nutrition Program for the Elderly, I believe that sensible regulations must be implemented.

These are some of my suggestions:

1. *Definition of Minority Groups.*—The definition of minority groups should not be limited to specific ethnic or racial groups but should be broadened to include all limited English Speaking aged poor.

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*See Appendix 1, p. 332.

2. *In-Kind Resources.*—In-Kind resources should be expanded to include credit for property, rent, facilities, and equipment utilized by a local agency receiving a grant. Any labor or staff supervision provided by the sponsoring agency should be considered as applicable toward 10% non-federal matching requirements.

3. *Fees for Meals.*—The present regulations for fees for meals are vague and contradictory. Four years of experience from the twenty one existing nutrition projects prove that the aged participants want to pay a small fee for their meals. The present regulations perpetuate the narrow "social work and bread line" philosophy of years ago and remove any and all dignity from the program. Instead of the present regulations, it is recommended that the older people at each site be allowed to determine for themselves what they should pay for the meal, and this fee be clearly posted for all to see. Of course, there will be a few who cannot afford to pay. These people can be given meal tickets just as the paying members are, or other sensitive means can be arranged so that non-paying members are not ostricized from the majority.

4. *Low Income Areas.*—Present regulations make provision for preference in awarding grants to low income neighborhoods. It is recommended that low-income not be defined by the total neighborhood, but by the incomes of elderly people living within. For example, many upper income neighborhoods have within these neighborhoods large concentrations of low income aged people.

5. *Menus.*—The regulations provide for meals which meet ethnic and religious obligations. It is recommended that ethnic menus be developed at the local level with the cooperation of the members of the program and funds be available for the supervision of the religious requirements. For example, a kosher program would need on-going rabbinical supervision at an approximate $1200 per year. Decisions need to be made where these funds should come from or if it should be a contribution of community service of the local religious community.

6. *Food Stamps.*—The regulations permit elderly people to use Food Stamps for homebound meals. It is recommended that, with the cooperation of the U.S. Department of Agriculture, elderly people be permitted to use Food Stamps for the meals eaten in the Center.

7. *Project Staff.*—The regulations spell out some vague guidelines for the selection and competency of project staff. It is recommended that all major staff jobs be filled by those people who have proven successful work experience with older people for at least three years. Jobs should not be given to long-time civil service bureaucrats who wish to move from one department to another and who have no experience or sensitivity toward the aged.

8. *Outreach Programs.*—The regulations do not specify what outreach should be. They refer vaguely to leaflets and some community meetings. It is recommended, however, that the outreach programs of the nutrition centers be aggressive ones. Staff should be assigned directly to the community and spend considerable time out of the center doing the necessary recruitment work. This means that opening a center will not insure that old people in the neighborhood will come unless door bells are rung and staff spends time sitting on benches encouraging old people to come to the center.

Illness resulting from old age and exacerbated by malnutrition leads to tendency among old people to spend their days in clinics, nursing further real or imagined illnesses. Loneliness also leads to further illness—real or imagined—and the clinics in city and private hospitals become improper and impromptu day centers for the lonely old people to gather and share their loneliness with one another. Most older people exist in a society oriented toward youth and they are isolated and in many cases forgotten by their families and friends. There is a tremendous need for a variety of services for these old people and for those services to be located under one roof. In the Nutrition program persons living near a site area should not need to go from place to place looking for the services he needs. It happens so often that even when services are available they are fragmented, uncoordinated and too difficult to locate for any but most sophisticated and persistent. A multi-services senior center would answer this problem. It would also mean that the elderly people could remain in the neighborhood that they know best and with the multi-services of an all purpose center could live in their home situation in their community and continue to function independently. The multi-services center would provide necessities which the older person can use to keep himself out of nursing homes, homes for the aged or other extended care facilities. One of the main purposes of the Nutrition site

must be to enable older adults to function best when they can remain in contact with the familiar environment and community they have known all their lives. Most professionals as well as older people themselves would agree that living in a home situation where you are responsible for yourself is better than being cared for. The Nutrition site must be able to provide short and long term services that will enable older people to continue living independently.

Senator PERCY. Thank you very much, indeed.

Mr. Simonsen?

STATEMENT OF IVAN SIMONSEN, DIRECTOR, SENIOR SERVICES, WESTERN IDAHO COMMUNITY ACTION PROGRAM

Mr. SIMONSEN. Thank you, Senator Percy and staff.

Scattered across America, living in their own little homes, are the rural elderly. Although they may not be concentrated in one area, since they tend to remain in the homes they have had, their needs do not differ from those of the elderly in the cities and the ghettos of America. They know the loneliness of a meal with no one to talk to and the hunger when that meal is skipped or eaten as a snack from the breadboard just simply because there is no incentive to cook properly for "just me."

Four years of work with the Title IV nutrition program for the rural elderly in six counties of Idaho, has shown that success is possible when several small cities are combined under one project. We witnessed and experienced the end results of the purposes stated in the proposed nutrition program for the elderly.

Around the meal program we have built a program that stimulates the whole person and makes him a brighter, more alert citizen and a real asset to the community.

I was going to do some background of the people in the rural areas, giving the background of how they feel; but I will skip that. It is in the report. I will go directly to some of the proposals in the rule sheet.

Section 909.33 talks about project councils. This section implies a large central site with a project council elected from its participants, but in the rural areas where there are several senior meal sites separated by a considerable distance and each of these sites has their own advisory board composed mainly of seniors, to establish the proposed project council, rural areas must have the option to select from these local advisory representatives to a regional project council who could deal with the State agency, the Administration of the Aged. It is most important that the advisory board of each senior site has a chance for imput into the daily operation of the project.

Section 909.34, "Selection of Congregate Meal Sites." In section A, it states that the project area selected to receive awards will be chosen from locations having major concentrations of older persons from the low-income brackets. The term "major concentration" does not apply to a nonurban situation. Although Idaho has a high percentage of elderly citizens, our low-income elderly are scattered throughout our counties. Because of these factors, it is essential that the State agency be allowed much flexibility in choosing project areas. Depending on geographic limitations, one project area may consist of one county or several counties with sites in numerous small towns composing the award area.

Section 909.36, "Nutrition Requirements." Section A specifies one hot meal per day at least 5 days a week at the congregate meal site. This is a most commendable goal for urban areas where participants are within walking distance; but it is not feasible, practical, nor acceptable for rural seniors.

However, if the proposal would allow several sites to make up an award area, then within that award area, 5 miles a day or more could be served.

The national guidelines for the nutrition program for the elderly can be adapted for both urban and rural needs if the state agency has liberty to implement the program to fit the geographic, economic, and cultural needs of the older Americans.

If the specifications in Section 909.34, "Selection of Congregate Meal Sites," could be expanded to include a composite site area of several small sites which would function in the same capacity as a congregate site, then and only then, rural America would be able to enjoy the benefits of the nutrition program for the elderly.

PREPARED STATEMENT OF IVAN SIMONSEN

I would like to thank Senators Kennedy and Percy, their staff, and the other Senators and Representatives whose efforts made it possible to extend the Research and Demonstration Nutrition Program to a fourth year; and thus provided the basic foundation for the proposed Nutrition Program for the Elderly, under the new Title VII of the Older Americans Act. As a project director from Idaho, I am especially grateful for the work which our Senator Frank Church, as chairman of the Senate Committee on Aging, has done to promote the welfare of older Americans.

Scattered across America—in small villages; little hamlets; in homes where they have raised their families, and are perhaps now surrounded by the second and third generations raising their families; on farmsteads which have seen subdivisions slowly creeping out to meet them—are the rural elderly. Although they may not be concentrated in one area, since they tend to remain in the homes they have had, their needs do not differ from those of the elderly in the cities and ghettos of America. They know the loneliness of a meal with no one to talk to, and the hunger when that meal is skipped—or eaten as a snack from the bread board—simply because there is no incentive to cook properly for "just me."

Four years of work with the Nutrition Program for the Rural Elderly in six counties of Idaho has shown that success is possible when several small sites are combined under one project. We have witnessed and experienced the end results of the purposes stated in the Proposed Nutrition Program for the Elderly. Around the meal program we have built a program that stimulates the whole person, and makes them a brighter, more alert citizen—a real asset to the community.

A study of the origins of these people indicates a rather limited living background: working in the fruit industry, farming, cattle ranching, logging and lumbering. These are people who have worked and labored long and hard, many have "retired" only because they were no longer physically able to work. Life has been hard, but home and memories are good, and friendships strong. Most of the social outlet was found in family gatherings, neighborhood visits and occasionally some activity in the community.

Retirement is a difficult task at times. Suddenly, from one day to the next, you have to find a whole new way of life. Having a period of retirement following the work career is now a part of our civilization, but it's acceptance is not yet complete. When we think of old age, we consider it a period of dependency with activity being greatly curtailed. Often times the oldster's attitude toward the aging process may be resentful, when instead retirement should open wide the door to a host of new activities.

As we outreach Seniors in these communities, we find a very proud, patriotic, independent and friendly citizenry; but, on the other hand individuals who were extremely bored, lonely, preoccupied with themselves, thinking and reflecting on

the past. It is our goal to help them find, in their later years, nutrition tailored to retirement needs, added happiness, usefulness and a new concept of their own worth.

From the new proposed rule making sheet, may I call your attention to several sections and their effect on the rural elderly.

909.33 Project Councils

This section implies a large central site with a project council elected from its participants, but in rural areas, there are several senior meal sites, separated by a considerable distance, and each of these sites has their own advisory board, composed mainly of Seniors. To establish the proposed Project Council, rural areas must have the option to select from these local advisory boards representatives to a regional project council, who could deal with the state agency. It is most important that the advisory board of each Senior site has a chance for input into the daily operation of the project.

909.34 Selection of Congregate Meal Sites

In section A, it states that the project area selected to receive awards will be chosen from locations having major concentrations of older persons from the low income brackets. The term "major concentrations" does not apply to a non-urban situation. Although Idaho has a high percentage of elderly citizens, our low income elderly are scattered throughout our counties. Because of these factors, it is essential that the State Agency be allowed much flexibility in choosing project areas. Depending on geographic limitations, one project area may consist of one county or of several counties with sites in numerous small towns, composing the award area.

909.36 Nutrition Requirements

Section A specifies one hot meal per day at least 5 days a week at the congregate meal site. This is a most commendable goal for urban areas, where participants are within walking distance; but, it is not feasible, practical nor acceptable for rural Seniors. However, if the proposal would allow several sites to make up an award area, then within that award area, five meals a week or more could be served.

These national guidelines for the Nutrition Program for the Elderly can be adapted for both urban and rural needs if the state agency has liberty to implement the program to fit the geographic, economic and cultural needs of the older Americans.

If the specifications of 909.34 (Selection of Congregate Meal Sites) could be expanded to include a composite area of several small sites which would function in the same capacity as a congregate site; then, and only then, rural America would be able to enjoy the benefits of the Nutrition Program for the Elderly.

What Proposed Regulation Would Deter Programs?

Senator Percy. I want to thank all of you very much indeed. My questions are very brief.

How will your projects have to change—I would only be interested really in detrimental changes, if these regulations do go into effect. Are there any ways your program would change to the detriment of the program if the regulations go into effect without change?

Mr. Kramer. The only concern I have is on fees. I think the experience we found is that older people want to pay a small fee and that the guidelines are somewhat vague. What we would like to see is that at the local site, the governing board, in consultation—the governing board, which I hope will be elected like ours is at the present time by the members of the program, will decide on the fee; and then it will be made very clear to everyone that if they really cannot afford it, they do not have to pay, like we do now.

There are many people on scholarships. They can be given a meal ticket. It does not ostracize them from the rest of the group. I think on the whole, most of the older people want to pay something; and it should be left up to be determined by the older people at the site, whether it be a dime, a nickel, 60 cents.

Senator PERCY. Would anyone else care to comment on the question of fees and give us your recommendation on that? Any of you disagree with the statements made?

Mrs. BARNES. Except there should be a fee. Not having a fee takes away the dignity of the program. So there should be a fee, be it ever so small.

Senator PERCY. All concur on that?

Do you want to comment on the size of the fee?

Mrs. BARNES. No; that should be left to the individual area.

Senator PERCY. You all agree it should be left to the individual area?

The staff asked the question for clarification, should it be a decision for the individual site or should it be a decision for the area?

For instance, in Chicago, should we try to have an individual fee established for each different site, or should it be an areawide decision?

Mrs. BARNES. Senator Percy, I think from where I sit it would be a problem. I think it should be a—for that particular locale, I think it should be the same thing throughout the city. If one area is paying 20 cents, another 25 cents, why do I have to do that?

Senator PERCY. All of you concur with that?

Mr. KRAMER. I believe it should be the site. For example, in New York—in an area four blocks, two blocks may be tenements. Maybe the people in the tenements can only pay 10 cents. Then two blocks further than that, you have public housing projects. Many of those people can pay 25 cents. I think it must be left to the individual site.

Mr. MCLOUD. I concur with Mr. Kramer. It should be left with the site.

Mr. SIMONSEN. Individual site.

Mrs. BARNES. I think there is discrimination when you do that.

Senator PERCY. I think we can see that it is not always possible to get agreement even among yourselves.

If there is some disagreement with the regulations, as it is promulgated so far by the agency, then we can understand they are made by humans who will not get 100-percent agreement on anything. We never agree on everything on the floor of the Senate, anyway.

I have no further questions. If there is any comment, you can go ahead, if you are brief enough. I have a rollcall vote I must go for.

Mr. SIMONSEN. You mentioned would our projects change if we took the rules as stated at this time? Yes. With our demonstration scattered, with the many areas, we cannot comply with, in each site, the five meals per week. So we would be wiped out if they went through this way as would many other rural areas.

Senator PERCY. I do want to thank you very much indeed. The vote we have on the floor is one that all of you who work with low-income people will be interested in. It is the Lead-based Poisoning Amendments of 1972. I can assure you it will pass overwhelmingly. I should be able to get back, because it is the end of the rollcall, in less than 5 minutes.

So, Mr. Martin, if you would be prepared to start in, we will excuse this panel with deep gratitude, and I express gratitude on behalf of the chairman, Senator Kennedy, as well.

[Recess.]

Senator PERCY. Our last witness, at long last, is Mr. John B. Martin, Commissioner of the Administration on Aging, Department of HEW, and, Mr. Martin, maybe you want to identify your colleagues.

STATEMENT OF HON. JOHN B. MARTIN, COMMISSIONER, ADMINISTRATION ON AGING; ACCOMPANIED BY DONALD REILLY, DEPUTY COMMISSIONER; CHARLES WELLS, ACTING DIRECTOR, STATE AND COMMUNITY SERVICES; DR. MARVIN TAVES, DIRECTOR, TITLE IV RESEARCH AND DEMONSTRATION GRANTS PROGRAMS, DEPARTMENT OF HEW

Mr. MARTIN. Yes, Mr. Chairman. Here with me is Mr. Donald Reilly, Deputy Commissioner on Aging; Dr. Marvin Taves, Director of Title IV Research and Demonstration Grants Program, Social Rehabilitation Service; and Mr. Charles Wells, on the right, acting Director of the Office of State and Community Programs, Administration on Aging and he has some direct responsibility for the carrying out of this program.

I might say, Mr. Chairman, at the beginning of this testimony that this has been a very useful day for us. The whole purpose of drafting regulations and then publishing them with a time limited to 15 working days for the furnishing of comments is because these regulations are not written in stone in the first instance and because in publishing them, we seek to get as much comment as possible.

We have not only sought to get comments at that point, but we have been conferring with as many people as we could, right through from the beginning.

This program, of course, is of vital importance to older Americans because it has significant potential for reducing isolation and malnutrition among the elderly. These are both important aspects of the program. It is not just a matter of food; it is a matter also of isolation and how we can eliminate that.

We therefore share the committee's concern that the program be implemented as promptly as possible. We believe it is equally important to plan carefully for the nutrition program, so that when the State nutrition programs and local projects become operational, they can most effectively serve and efficiently help the older Americans who need nutrition and related social services.

I will address my remarks to the steps AoA has taken to implement the nutrition program; and the major elements of the proposed regulations for Title VII, which we have developed and which were published on June 6, 1972.

STEPS TAKEN TO IMPLEMENT TITLE VII

Immediately after Title VII became law on March 22, AoA convened three task forces—one on planning, another on nutrition, and a third devoted to the question of social services which the bill contemplates should be part of this program. These task forces consisted of

Administration on Aging staff, State executives on aging, representatives from the Office of Economic Opportunity, the Department of Agriculture, the Health Services and Mental Health Administration, and the Community Services Administration, project directors from Title IV nutrition demonstrations, a representative from the Baltimore Meals on Wheels program, and three regional associate commissioners on aging. The task forces identified issues, analyzed alternatives, and made recommendations as to the options to be chosen.

This initial input from experts with a variety of perspectives, working closely with our staff, was necessary to develop the most effective method of putting together a program of the scope and complexity of Title VII. This action was also consonant with the law, which requires that AoA consult with other agencies and departments of the Federal Government.

The material developed by the task forces was then synthesized into a comprehensive nutrition issue paper as the basis for decisionmaking prior to the development of regulations for the new Title VII.

During the first week of May, we met with the Subcommittee on Nutrition of the Advisory Committee on Older Americans to review the issue paper.

On May 8, representatives from 16 national organizations, including the American Dietetic Association, the National Association of State Units on Aging, the National Council on Aging and representatives of minority and Indian groups, attended a meeting conducted by AoA in Washington. They, too, were asked for their advice and recommendations on the nutrition program issue paper.

The views of the advisory committee, the organizations, and department staff were analyzed and decisions made as to the content of the draft regulations. The notice of proposed rulemaking, published on June 6, 1972, is the result of these sequential steps.

AoA staff has met with the Office of Economic Opportunity regional staff, to explore ways in which we may work closely together. The Office of Economic Opportunity senior opportunities and services program and emergency food and medical services program have funded some 185 nutrition and services programs for the elderly. We hope to incorporate this experience with the elderly poor, as well as our knowledge gained from the Title IV nutrition demonstrations under our own Title IV program into the Nutrition Program for the Elderly.

We have also been working with two consultants, who were formerly with the Department of Agriculture, on guidelines for implementing the proposed regulations for the nutrition program.

Yesterday, AoA met with experts from the Department of Agriculture to further review and analyze the proposed regulations.

Staff is also currently working with project directors from the Title IV nutrition demonstrations on a nutrition services handbook, which will contain how-to-do-it information. This handbook will be extremely useful to State agencies and local projects in the development and operation of meal projects.

Early in April, we conducted week-long training sessions for staff from the State agencies. Although these training sessions were focused primarily on planning rather than nutrition, we believe that such planning assistance will have an important impact on the way Title VII is implemented.

In order to provide the State agencies with the planning capacity necessary to lay the groundwork for this program, we announced in April that AoA would award $4 million in areawide model project discretionary grants to the States for initiation of local planning for their nutrition programs. By the end of the fiscal year, June 30, we expect 85 of these awards in 46 States. We also have commitments from States to use a like amount of Title III supplemental money for the same purpose in other parts of the State than from those areas funded with the areawide model project awards.

The result of this early groundwork will be approximately 185 planning efforts by States before July 1. Thus, many States will be prepared to begin implementing their nutrition programs shortly after State plans are filed and funds become available.

In many cases, programs that are currently operating can expand and improve if they meet the requirements in the regulations. This is important because there are some 150 nutrition programs under Title III and under the areawide program and under our Title IV program, which are already in existence, as well as the 185 or so programs funded by the OEO.

So there are substantial numbers of programs which are in operation, many of which, we believe, can be adapted to meet the standards of our regulations.

On June 6, State agencies and regional offices were informed of specific key requirements of the nutrition program that they should begin working on immediately. These activities include:

1. State agency staffing for the nutrition program;
2. Initiation of a system for obtaining advisory assistance for this program;
3. Identification of target groups of elderly within the State, who are in greatest need of the services to be provided under Title VIII;
4. The identification of potential project areas to receive Title VII awards.

Mr. Chairman, from the activities I have just outlined, I am sure you will agree that AoA has compressed a great deal of work into a very short period of time. We have done this expressly for the purpose of assuring that the nutrition program becomes operational in the shortest possible time.

With the same purpose in mind, we have asked for comments from the State agencies on aging, plus more than 150 other agencies and organizations, on the nutrition regulations in 15 working days from the date of publication. We will, of course, accept comments on the regulations up until the last moment that they remain in draft form.

Now I want to discuss what I regard as the major elements of the proposed regulations. I believe that the key elements of the proposed nutrition regulations are:

Consumer Participation

A. STATE LEVEL

The State agency will obtain advice from nutrition experts, and consumers of service, including members of minority groups, in the development of the program throughout the State. The State agencies

can add members to their present advisory councils, from these groups to provide specific input in the area of nutrition services, or they can establish a separate advisory group on nutrition.

This kind of assistance is mandatory and must exist at an early stage before the programs are in operation.

B. PROJECT LEVEL

We are also proposed that each nutrition project have a project council, whose members would consist primarily of elderly participants from the major project sites.

We contemplate there will be numerous sites within each project.

The council would also include other persons competent in the fields of nutrition and related services provided by the project, and persons who understand the problems and needs of the elderly.

The project council would advise the project director on all matters relating to the delivery of nutrition services, and approve all policy decisions related to:

1. The determination of general menus;
2. The establishment of a suggested fee or fees;
3. The hours of operation of the project; and
4. The decorating and furnishing of the meal setting.

By delegating these responsibilities to a project council, we will insure the involvement of older persons in decisions about those components of the project most important to them.

Participants in nutrition projects will have the opportunity to pay all or part of the cost of the meals served at the project site. Each project will develop, with the approval of the project council, a suggested fee or fees for participants in the nutrition project. However, each participant will determine for himself the amount of any payment he is able to make.

Senator PERCY. From a practical standpoint, how will that be implemented? Let us say the 25-cent fee for a meal costing $1.75. If a person is able to pay more, how do they go about paying more; and if a person is not able to pay that, how does that work out?

Mr. MARTIN. Well, as we have set it up in our regulations, people would be advised—if a single fee was set by the project council, people would be advised as to what the fee was; and if they were not able to pay it, they would not have to pay it.

They would also be advised at the same time that if they were able to pay more, if they were in a higher economic bracket, it would be hoped they would pay more, but they would not be forced.

We have bent over backwards to avoid what might be referred to as a means test. A means test normally relates to eligibility to get in or out of the program entirely, but I think it has been given a rather broader connotation in the discussion here today.

We are not going to sit down and interrogate each person as to exactly what their range is. They might well be advised, if the council decides on more than one fee, that is a higher fee for a certain higher range of income, they would be advised as to what that range was and what would be applicable to their particular income level.

From there on, we are depending upon the honor and integrity of the individuals who participate in the program, frankly, and that is

the way we have done it in the Title IV projects with which you are very familiar.

Senator PERCY. I presume there is enough flexibility so that if the local council decides that in their particular area, if the program is going to be more successful, that they must have a more expensive meal to compensate by charging a higher fee, they can decide so.

In other ethnic areas where, say, Spanish speaking, there may be a lot of lower cost foods, rice, chicken, beans, where the fee could be substantially lower and the cost of the meal could be lower.

Mr. MARTIN. If the cost were substantially lower, they might have a little more money to spend on more meals for more people and it would be permissible to use their money that way.

Senator PERCY. The regulation seems to require a schedule of suggested fees for different income levels in a project area. Your testimony seems to indicate a single fee is permissible. Is this true?

Mr. MARTIN. It is true, Senator. If the project council decided that a single fee would be more usable or suitable than a range, there would be no reason why they should not settle on that.

Senator PERCY. Who do you feel should set the fee, a site, or an area?

Mr. MARTIN. I think the fee should be set by the project if the project is, as we hope it would be, a relatively sizable project, 100 or more meals per day. It might run, of course, much more than that in the case of Chicago, but I do not think we can set a fee nationally. I do not think we can even set it statewide, but I think it should be set projectwide.

Senator PERCY. All right. Why don't you go right ahead?

COORDINATION WITH OTHER AGENCIES

Mr. MARTIN. The State agency will consult with and utilize to the maximum extent feasible the resources of health, mental health, social service, rehabilitation, education, economic opportunity, and food and agricultural agencies, in the development and implementation of its program. This will help assure that the participants of the nutrition programs will have available a range of comprehensive and coordinated social services, in addition to the nutrition and related services specified in the law; but will provide these additional services wherever possible, without cost to the Title VII program.

In the regulations, we have set a maximum of 20 percent for social services. We do that because it is our feeling that although the bill specifies that social services may be included, nonetheless there needs to be some limit, because the emphasis is on nutrition, and that has seemed to us to be a reasonable limitation.

But, it could be—there could be an exception for that in the case of transportation if it could be shown that that was a necessary addition to the program.

Transportation is not considered a cost in the home-delivered meals program so that improves that situation.

In any event, social services would be coordinated with the Title III services.

IDENTIFICATION OF TARGET GROUPS TO BE SERVED

The State agency will identify the groups of persons eligible for this program on a statewide basis in order to assure that the Title VII

funds are targeted at primarily those older individuals determined to be in greatest need of such services throughout the State.

The criteria for the identification of such groups are based on the language in the Findings and Purposes statement set forth in the law.

Selection of Areas for Project Awards

The States will make Title VII nutrition awards to project areas which include major concentrations of low-income individuals as required by the statute. Such projects would serve low-income and minority groups, at least in proportion to their numbers in the State as required by law.

We have defined minority to include the four largest minority groups, but it would be assumed if there were more minority groups within a particular jurisdiction that the State agency and the local project program or management would take account of their presence also.

The phrase is general and it is difficult for us to interpret it any more than we have in the regulations. On the other hand, if we get into every conceivable kind of minority we would fragment the program so far that it might not serve the purposes of the act at all.

Size of Areas for Project Awards

Each project area selected by the State agency to receive funds under Title VII would have a single nutrition program. We propose this approach in order to assure that each of the nutrition services funded within any project area will be coordinated and mutually supportive of one another; and that no older person needing nutrition services in any given program area will be overlooked.

This is especially true where you have a mixed urban and rural population where the rural population might well be overlooked.

Numerous local and neighborhood nutrition delivery sites could be operated within any project area as part of such a project.

It should be noted that this concept was developed as a result of our experience with the Title IV nutrition demonstrations.

The city of Chicago, as you know, Senator, operates a citywide Title IV nutrition project with 35 neighborhood sites. In rural Olive Hill, Ky., a single Title IV nutrition project provides meals through six outlying community sites.

We believe that making a single award to a community results in the following benefits:

1. Avoiding the need for multiple project directors and duplication of staff;
2. Minimum overhead and expenditures for general administrative support through consolidated operations;
3. The ability to purchase food, equipment, and supplies on a largescale, economical basis;
4. Provide a focal point for the stimulation of the provision of related services by public and private agencies in cooperation with the nutrition program; and
5. Assure that older persons in need, wherever they may live throughout the project area, would have the opportunity to participate in the nutrition program.

Therefore, the regulations we have developed propose a strategy that would avoid overlap, duplication, and unnecessary competition for funds in the implementation of this program.

We have suggested that, in making awards, only one public or private nonprofit agency within a given county should receive a nutrition award.

We discussed this the last time we were before a similar committee, and we have listened to the discussion today. We were not fixed on any formula as being final and irrevocable.

We have examined several possible options in this connection. We have not found one that we thought was better than the one we originally came up with, but we are continuing research, and I would hope that we can find a formula which will be satisfactory for all those who are concerned about it.

Any such award could provide for the operation of the program at a number of neighborhood or community sites throughout the county.

We have also provided for projects to give special attention to subcontracting, especially to low-income, minority, or other groups having special needs. Such subcontracts could provide for full control by these groups over that portion of the program.

A major reason for the development of this strategy was our concern that many small communities that have older persons in considerable need of nutrition services would not be able to support a nutrition project alone.

Thus, these older persons might be overlooked in the provision of the services provided under Title VII. Our strategy is designed to assure that their needs will be met, no matter where they lived within any given project area.

Preferences for Staffing of Nutrition Projects

In the staffing of nutrition projects, we provide that preference be given to persons aged 60 years or over. Part-time positions will be considered for those older persons for whom full-time work would be difficult or economically unfeasible due to Social Security benefit restrictions.

Project staff would also be, to the extent feasible, representative of minority group individuals participating in the project.

Confidentiality

Finally, we have assured that all personal information about the participants will be kept in strictest confidence.

One other item I might call your attention to has to do with what is known as Project FIND. We are not directly responsible for this project, but since it has impact on the matter of nutrition, you might be interested in it.

Additional Federal Nutritional Efforts

As you will recall from the President's Message on Aging, the President has committed the Federal Government to a special effort to make all persons over 65 years of age aware of the eligibility requirements for Federal food assistance programs, and to aid those who wish help in filing an application for this assistance.

This new intensive effort is called Project FIND and is scheduled to run from late summer through early fall of this year.

Senator KENNEDY. Mr. Commissioner, I apologize for being late. Is this limited to that period or to an ongoing period?

Mr. MARTIN. I presume it will be an ongoing program. Dr. Flemming has indicated other projects of a similar nature might follow, but initially it would be directed toward increasing the use of food stamps and the use of commodities distribution where food stamps weren't in use.

Senator KENNEDY. Have you made any estimates as to the number of people that you will be able to find over that period of time?

Mr. MARTIN. Well, they have made a rough estimate. I think they estimated something like 3 million people might be found to benefit from that program.

It would, if they found that many, of course, result in a very sizable expansion of the Food Stamp Program.

Senator KENNEDY. Is that out of AoA?

Mr. MARTIN. It is a cooperative effort by the Department of Agriculture, Bureau of Census, Social Security Administration, and large segments of voluntary service organizations.

Our part in it is limited. We will, of course, cooperate. We will notify the State agencies on aging because they might be getting inquiries about it. But we are not directing the program.

Senator KENNEDY. Who is directing?

Mr. MARTIN. Dr. Flemming is primarily responsible for the——

Senator KENNEDY. It is out of the White House, is it not?

Mr. MARTIN. Yes. In his capacity as adviser to the President.

At this point, Project FIND will consist of three components:

1. A national advertising campaign through radio, television posters, et cetera.

2. The development of a simple message to older persons to encourage them to investigate their possible eligibility for benefits under the food assistance programs that services their area for transmittal with the August Social Security checks and by a special mailing to all Medicare recipients who are not receiving Social Security benefits.

3. A followup effort to aid those elderly who have difficulty applying for Federal food assistance and to mount a nationwide door-to-door search for those potentially eligible elderly who may not have received the FIND message.

It has been estimated that as many as 3 million eligible older persons are not receiving food assistance. If Project FIND is successful in locating, informing and assisting these 3 million older persons, it would mean an additional $540 million of Federal food assistance to the elderly.

That apparently is based upon the average bonus, food stamp bonus of $180 per person per year.

IN CONCLUSION

We believe that the proposed nutrition regulations provide the basis for a well-planned, coordinated, and efficient nutrition program, which will best meet the nutrition and isolation problems of many older Americans.

We will be happy to answer any questions you may have about the program and the proposed regulations at this time.

Senator KENNEDY. Thank you very much, Mr. Commissioner.

It is always a pleasure to hear you testify and I have had that opportunity frequently before this committee and the other aging committees. We want to extend a warm welcome to you.

Mr. MARTIN. Thank you.

Senator KENNEDY. Would you briefly tell me how Project FIND is organized? What resources are being spent on radio and television? To what extent are people sent out to actually knock on doors?

Mr. MARTIN. I can't answer that as to details, Senator, because it is not under my direct supervision. I understand various volunteer organizations are participating in it and particularly the Red Cross and other organizations.

Senator KENNEDY. Should we request that from Mr. Flemming?

Mr. MARTIN. Yes. I would think so, yes.

Senator KENNEDY. Have you made any further decision about the project areas of your organization, and the consideration of those regulations?

Mr. MARTIN. As I indicated, we have reviewed some possible additional options, alternatives. The purpose of the regulations as you realize, I am sure, is to try to get the most out of the projects that we can in terms of service to older people with the minimum of duplication and overlap. The proposal I think was misunderstood perhaps a little the last time we discussed it in that it appeared to involve only counties—I think it was understood to involve only counties which had over 250,000.

What is involved is counties, whatever their population may be, with the provision that an exception may be found for cities with a population of at least 250,000.

Now, there are, I suppose, other ways of maximizing the program. One might be the size of the program in dollars. Another might be the size of the program in numbers of participants.

LARGER PROJECTS WITH NUMEROUS SITES

There may be other ways of judging the scope of the program, but it is our belief that we will get more out of the program if the projects themselves are larger, but this does not prevent projects from having numerous sites.

Those sites can be tailored to whatever the ethnic or minority composition of the communities may be.

Senator KENNEDY. What do you see as the parameters of these sites or services? If we say it covers 250,000 minimum, how many people do you think that you would be actually feeding within that?

Is that 10 programs of 100 each? What else could it be?

Mr. MARTIN. If you had a program in an area of 250,000, that would perhaps be 25,000 older people within an area.

It is difficult to know precisely how many of that 25,000 might be interested in participating in such a program.

The heart of the problem is, Senator, that we are not going to be able to meet all of the demand for these programs wherever we establish them, because 250,000 is only a portion of the numbers of people who we believe might make use of such a program.

So that in any given site area you might establish a good program, a good-sized program that might still not be as large as the total demand within that area.

The programs today run all the way from very tiny programs which we think are uneconomical to as much as 3,000 or 4,000 meals a day in Chicago and one or two places like that.

Senator KENNEDY. How many people do you have on your planning council?

Mr. MARTIN. That would depend upon how many sites you have because the regulations contemplate that the planning council would mean that the site portions of the project would have representation, presumably elected representation.

Senator KENNEDY. What are you talking about? Five, 10, or what?

Mr. MARTIN. It would depend upon the size of your project. It might be five or 10. If you were talking about Chicago, it might, I suppose, be 35, because it has 35 sites. That would be an unusually large project, of course.

Senator KENNEDY. How do you look at a State with 5.5 million people when you are going to have 22 different planning groups? Those planning groups vary anywhere from five, 10, 15 to 30 groups.

It seems to me that if you have 22 of those you are adding an extraordinary kind of bureaucracy.

Mr. MARTIN. We are not adding another level of operations because the agency appointed to handle a program in a given area would be a public or private nonprofit agency that is able to handle the program.

In this area, it might be the agency in the district that is now handling the program.

Senator KENNEDY. I will come back. I am just going to give it to Senator Percy for a minute.

Senator PERCY. Commissioner Martin, again, I want to thank you very much indeed. I am really appreciative of the way you and your able staff have dug in on this job. It has been a Herculean task and the timespan was not very great indeed, and I know you have had to drop a lot of the things to go into this crash program.

Congressman Pepper as well as Senator Kennedy have criticized the concept of project area. I would like once again for you to restate your argument that this new level of administration is necessary for coordination and efficient operation, and respond to the question as to why State agencies can't provide this level of coordination.

I think this seems to be a sticky point that it would be helpful to have your explanation on as to whether or not, having heard what you have heard, there might be some receptivity, because these regulations are not set in cement yet.

Mr. MARTIN. Well, I would restate it in these terms, that we think that these programs run better when there is some planning and programing agency at the local level.

ENCOURAGES DEVELOPMENT OF PROJECTS

The selection of a project area with a project director and a project council would give planning guidance and would give local support to the development of this program in a way which we don't think will happen if it is entirely a matter of State determination.

We are not downgrading the State's ability. We are just saying that—and this applies not only to the nutrition program, it applies to all of our programs—that we would have much more effective operation of our programs if planning were not only done at the State level but if planning was done at the local level and if the State plans were made up of plans developed in the respective areas of the State.

This is a concept that is increasingly being adopted by other portions of the Federal Government and it is a process which will bring the control of these programs closer and closer to the local area, and to the people who are living in those areas who are part of those programs.

Mr. REILLY. If I could add to that just a bit, I think that clearly it could be done from the State level, direct to the local. Our history with the Title III program to date has been just that, funding from the State level to the local.

The problem, as we see it, is to get an intensive analysis of the situation across a selected area, such as a county, in terms of where the needs are and what the relative needs are: where the needs are greatest and where they are not quite so great: match those findings up with the existing resources and then try and make some decisions in terms of—since there is limited funding—where you go first with the amount of money you have.

We think it is preferable to do this at the local level. Alternatively, it could be done by expansion of the State agency to a significant degree. The same sort of functions could be done there, but it seems desirable to us to bring decisionmaking down as close as possible to the local area while retaining a State overview.

What we are particularly concerned about is what often happens in the Title III program. In many, many cases the State agency, in effect, gets squeezed into evaluating proposals that come in to it from interested groups for funding without any comprehensive plan being developed. What the State gets is the view of that particular interested group which looks at whatever area it chooses to operate in and presents its case in very favorable terms.

The State agency is often rather hard pressed to determine whether that is really the best kind of project for that particular area, or if some stimulation was done within the area, it could get a better project that would do a broader job and reach people that perhaps the original proposal would not.

Senator PERCY. We have heard Mr. O'Malley argue that a different definition of low income be incorporated in the field regulations. Given limited funding, should we not target funds on the most needy, those with the lowest income?

LIMITED FUNDS NECESSITATE "MEANS TEST"

Mr. MARTIN. Well, our approach to that is this: There are about 10 million people in the category established by the BLS index. There are about 5 million in the group related to the so-called poverty index. Our funds are limited. We have, therefore, said that sites should be selected in relation to the poverty index in order that the persons involved in those sites in the program would be those in greatest need.

Now we could use the other level, the BLS level. Now within those

sites there would be people who are in the poverty category and there would be people who are above it, but you get many more of those who are at the neediest level if you use the lower figure.

Senator PERCY. You certainly will be giving priority to the lowest income areas, will you not?

Mr. MARTIN. I think under the way the statute is drafted we have to do that, Senator, the statute requires us to establish these sites primarily for low-income persons.

Senator PERCY. Mr. Chaskes of Michigan said that this will delay implementation of the program. Can you say how long it should take States to allow their plans, how long after that they should be allowed to award contracts, and how long after that meals will actually be served?

Mr. MARTIN. Well, we don't think it should take anything like the time Mr. Chaskes indicated might be the case. I think he said that we wouldn't start funding of the program until next year some time. We will have made by the first of July some 85 or 90 planning award grants for the preparation of State plans which are required by the act. We believe by the first of August, 70 percent of these State plans will have been approved and funds will have been released for getting the program in motion.

By the first of August, those earliest nutrition awards should be in operation and serving meals. The remaining State plans we believe can be approved by the 31st of August with an average of two nutrition awards per State and those awards should be in operation at the earliest—this is the most optimistic timetable we can envision, and it may be too optimistic, but we believe that those awards could be in operation by the 15th of August.

I should say that there are, as I mentioned in my testimony, there are a number—something over 300 projects—which are currently operating and in those projects we don't have to begin from scratch in developing the program because they do have directors and they have sites, and they have some expertise in running this program, so that insofar as those projects meet our requirements, they can be funded much more rapidly and put into motion much more speedily.

Senator PERCY. How many meals will be served by August 15, do you suppose?

Mr. MARTIN. We have not made an estimate as to just exactly how many meals because it depends upon the size of the program.

Senator PERCY. I know that Mrs. Barnes and Betty Breckinridge and probably Senator Kennedy and myself would like to see us serving meals right now. The need is so great.

How flexible can you be in allowing step-by-step implementation of the program; that is, must all sites in Chicago begin operating at the same time; must all services be in place before any meals can be served?

CAN ALLOW STEP-BY-STEP IMPLEMENTATION

Mr. MARTIN. No; I don't think so. I think these programs can be developed incrementally. I think if we are satisfied with the selection of a project and a plan, the program could begin, say, 100 meals per day and eventually work up to—well, it might not even begin with

100 meals per day, it might begin with 40 or 50, work up to 100, 200, whatever the contemplated level might be. I see no reason that can't be done.

Senator PERCY. My last question—I am glad to hear there can be flexibility and we certainly will give you all the support you need in the Congress to use your judgment in providing whatever degree of flexibility you can build into the program to get it underway.

Last, I am very concerned about local autonomy and participation.

Mr. MARTIN. Yes.

Senator PERCY. I think this is a tremendously important therapeutic part of it, to have them participating. They really need something to do. In a sense, they want to participate in things affecting their own lives, and I have such faith that, if given responsibility, they can be ingenious in devising ways to implement services, to bring volunteers in, to create transportation pools, to do all sorts of things that are going to grow out of this experience that they have.

And yet when I consider local autonomy, I couldn't—I couldn't conceive of that in terms of, say, the city of Chicago.

Visit Berlin, talk to the mayor of Berlin. They break that city into 10 components, each part having its own city hall, its own local government. They wouldn't think of administering the affairs of Berlin all from downtown city hall. They all get married at their autonomous subareas. This is, I think, what Mayor Lindsay was after, little city halls.

I think that the more we can break this down and give the site the feeling that they are making decisions, the better. They can have their own council, they have local autonomy, they can make decisions, it is their program, and they couldn't feel more remote than to feel at 95th Street that this is run by some faceless committee or council down at city hall or near city hall. That to them is as far removed from local autonomy as is Washington.

I just urge that we really try now to rethink that through to really, when we say local autonomy, localize it and make them feel as though it is almost neighborhood participation.

Mr. MARTIN. You are fully familiar, naturally, with the project there in Chicago. I would be interested to know whether you feel that the local units, local sites do have adequate autonomy?

Senator PERCY. Well, I am thinking about these new regulations now and how they will be implemented. I wouldn't say adequate local autonomy, but I would certainly appreciate your personal indication as to your philosophy and feelings. I think we would be fully supportive of breaking it down just as far as we can go providing we are not laying—we are not talking about building, again, a lot of administrative layers of overhead that are costly.

Mr. MARTIN. Well, my personal philosophy, certainly, is in accord with yours and in that respect the more these people think of this program as being their own program, the more they will benefit from it. The more they will enjoy the process of meeting together and eating together and doing things together.

So we are in complete accord as to that. The problem of just how you structure it is probably different somewhat in different places but certainly the more they are called upon to use their initiative, to help with many programs and encourage voluntary activities, the better.

Senator PERCY. Fine.

I want to thank you, Commissioner Martin and your colleagues, and just repeat for the benefit of Senator Kennedy that I appreciate his time that he has given to this project today.

The Commissioner did report that even though he had to sit here for a long time today to get this testimony, the time was very worthwhile because he did receive some fine ideas from our State and local people and it certainly has been worthwhile and that is the greatest reward that all of our witnesses can have today, to feel that the thought they had put into these programs was worthwhile and that someone is really listening to them in both the executive and legislative branches of this Government.

We are most appreciative for the time and thought they put into it. Many, many millions of people are going to benefit as a result of it.

Senator KENNEDY. Commissioner, just to follow along with what Senator Percy mentioned about the importance of local involvement, I think you made the case very well for the elimination of the planning council because it appears that planning council upon which you might have one representative or a handful of representatives from any of these sort of satellite groups that are going to be making up the 250,000 are going to be the ones that are going to be setting up the menus, developing the transportation, and coordinating the different kinds of programs. I understand what Senator Percy is interested in, and what I am interested in. Are those people out in Somerville developing?

LOCAL INVOLVEMENT NEEDS FREEDOM OF ACTION

Do they want to try and work out through voluntary means associations with programs for Arlington, Revere, East Boston, the north end, let them do that voluntarily and provide an opportunity through the State agencies or perhaps through the AoA to coordinate it and consolidate it.

It appears that we are adding an additional bureaucratic matter.

Considering Senator Percy's expression of local involvement which I share, and, speaking for myself on this, aren't we really removing meaningful involvement through this planning council?

Mr. MARTIN. Do you see any reason, Senator, why if they have an adequate council for their site, whatever size that may be, that they shouldn't also have a representative body that considers the program as a whole?

Senator KENNEDY. Shouldn't that be voluntary, though, if they want to get together and work it out? Shouldn't that be voluntary? Shouldn't we provide either technical assistance or some resources so that they can get together and work it out, if they want to get together and try to do it?

Mr. MARTIN. I think we should.

Senator KENNEDY. Why make it compulsory? Why insist they either have to join this planning council or project area or agency if they are going to be able to participate?

This is what you are in effect saying. You fellows have to join up here and be a part of this 250,000 or you are not going to get any program whatsoever.

That is in effect what you are saying to them. You either have to go—Somerville, we know you have a different program, but you have to join up here, you have one voice and they are going to negotiate with the State agency.

I am sure you can give us some reassurances on it. Maybe I am putting up a strawman on the thing. I wish you would knock it down if it ought to be knocked down.

Mr. REILLY. Senator, one of our problems with this whole process, very frankly, is determining where along this whole spectrum from possible areawide coverage all the way down to a single settlement house in one neighborhood of one city does the arrow really point in terms of what is the appropriate size for a project? What is a project and what is a neighborhood? We provide in the regulations for a county level as the minimum project size because we fixed on this as an identifiable geographical area which provides an adequate scope for planning.

It can be attacked on the basis of being too big, or that county government is weak. But any other choice also can be attacked on other basis.

In your example you are using Somerville and I have been away from Boston long enough now that it doesn't come back to me what Somerville's population is, but I would guess something like 70,000 or so.

Senator KENNEDY. No; it is about 88,000.

Mr. REILLY. That is another possible level.

One of the witnesses is from Henry Street Settlement House, which is one settlement house in one neighborhood of New York City. Again, we are having difficulty getting a grasp on where along the spectrum we ought to fix on this issue of project size in terms of whether there is any such thing as a critical mass to this sort of process when you view it as more than just a feeding process.

Senator KENNEDY. There are areas in South Boston that are strongly Lithuanian and Polish. Lithuanians are not Polish, and even though they come from similar geographic problems, they have their own sort of problems.

Just putting Boston together, with 800,000 in the inner city and with 3 million in terms of its immediate kinds of the greater Boston area, you have to consider 26 nationalities with 5,000 people or more.

Mr. MARTIN. Boston is going to have several projects under that formula, Senator.

Senator KENNEDY. I don't see that. I have confidence that we have a good program up in that State. I think the State should work out these direct grants into various communities that would encourage them. They should be equipped to encourage them through voluntary means to get the various groups together.

If, in a community, they are able to say that if you get together we can give you some extra meals for your senior citizens, and that you are going to do it, that is one reason for it.

If they have strong reasons they don't feel that is necessary, then that is something else.

It does appear that someone has been very interested in this and

very active in the development of legislation just to provide somewhat of a significant roadblock to the kind of local participation and input that we were trying to achieve. Why don't you do it just through the voluntary? Why couldn't you do it that way?

Mr. MARTIN. Are you really suggesting, Senator, that we don't need any guidance with respect to the size of projects or the scope of these projects?

Senator KENNEDY. No. I think there should be different levels for urban and rural sites, perhaps 100 in an urban area and less for rural sites.

I don't know the size of the various pilot programs that were developed on nutrition.

Mr. MARTIN. They range from 40 up to about 3,000. But those were test programs.

Senator KENNEDY. And worked very successfully.

LESS THAN 100 NOT ECONOMICAL

Mr. MARTIN. What our examination shows was that below about 100 they were not economical.

Senator KENNEDY. Sure.

I mean I think that just in terms of needs we must find a way to cover South Boston and rural West Virginia, even if it might cost a little more in rural communities.

Mr. MARTIN. It is important, Senator, but it seems to us we ought to try to get some of the advantages of larger scale operations if we can. Otherwise the pressures may result in massive numbers of very small projects which simply expend funds without reaching all of the older people in the area who need nutrition services.

I think there are some advantages that we ought to try to get if we can, in order to use our money——

Senator KENNEDY. Say you have this amount of money. Say it is fully appropriated. What did we figure, 250,000 elderly people?

Now, that means it is going to be approximately, if my math is right, and I am not so sure it is, about 12,000, 5 percent. Massachusetts has 5 percent of the population.

We get about 12,000 that would be affected there in Massachusetts.

We get a good formula on the percent of elderly. We are a little higher than Iowa.

Mr. MARTIN. Ten percent in the State, but it varies with locations.

Senator KENNEDY. I think we are a little higher than that. I know Iowa is number one. I think we are in the top three of four States in terms of percentages.

In any event it is about 12,000. Hopefully this program will grow and cover a great many more.

Twelve thousand would not be so difficult for a single State administrator to develop programs that are going to be targeted into 12,000, working with local groups that are going to make applications up through the State.

They are going to have to carry their burden and he is going to make value judgments whether you develop certain coordination between various groups. You are talking about 12,000 meals.

Administration Needs Only Small Organization

I think two or three people could organize that up in this State relatively easily.

I may be underestimating the whole kind of problem, but it does not seem to me to present the kind of administrative difficulty that requires a project area.

Mr. Martin. I think we understand and we will give that a lot of consideration in trying to work out something.

Senator Kennedy. I think that I can see where you get a nutrition gift or something, you get a limited number of personnel and you want to try to maximize to insure that a nutrition gift has a responsibility for a certain number of projects to insure that the local group that is developing their meal is going to have these meat requirements of a third of the number of calories that are needed for a day.

So that person has, or should have, a certain required area. You also need other kinds of experts—for example, transportation.

Now, if you are talking about that type of thing, I can see this. I think maybe we are talking about working in heavy areas of responsibility. But I do have some very serious reservations about requiring all these little groups to conform necessarily to the common mean of a community of 250,000. Particularly in a State that has the kind of mix that many of us from the eastern and older parts of the country have.

I have some additional kinds of questions but I would like to submit them in witing to you.

Mr. Martin. Certainly.

Senator Kennedy. We can see where we are.

Variation on Area Plans

Mr. Reilly. I have one possible variation on this we might try to discuss. As you know, the administration's Older Americans Act extension proposal has contained in it a provision for area planning agencies on aging. Looking toward the establishment of such agencies—which we believe are truly necessary in terms of bringing together the public and private programs that could serve the elderly, and yet do not do as much as they could—we set up the minimum size for nutrition projects as the county, as a tie-in to the area agencies. Rather than sticking hard and fast to this county level, perhaps the regulations could have a stipulation in them that nutrition grants would be awarded on a flexible basis to local applicants. But, any such grant would have a provision saying that when and if an area planning agency on aging is established, that the funding for that nutrition project would come through that area planning agency.

The thing we are after is to link up the various services. There are community health programs; there are community mental health programs; there are other programs which have money and facilities—and the elderly are not getting their full share of them.

We think of a single local neighborhood nutrition project—and think about it relying upon voluntary development of services. We really cannot visualize volunteers out of a neighborhood project like that making much of a dent on established service agencies, whether

they be public or private, in terms of bringing those services to the project.

We are reaching to get that kind of linkage through area service networks. If we provide maximum local autonomy in the project to set its local conditions for the nutrition program itself, and yet have it link in with a community service network that we are going to try to develop, maybe we can achieve both ends here.

Senator KENNEDY. In terms of coordination, fine. But in terms of channeling the resources and funneling the funds for it, I just think we have hammered on it.

I think in this way it is obstructing one of the really important aspects of the program—the important consumer participation aspect.

I just do not see why it ought to go to State and other planning agencies and then out to that local community. I would much rather take my chances for the development of States and if they wanted to work on that—and hold them accountable.

NEED FOR ACCOUNTABILITY

Part of our whole problem about the disillusionment and lack of confidence in the government is they do not know who is accountable.

We see it up here—the growth of White House staff. You do not know who is making foreign policy, whether it is Kissinger or Secretary Rogers. Everything gets spread around.

Everybody ought to be accountable. If it goes well, you pin a medal on them. If not, you do something else.

The people at the State level say, "Gee, we would love to have done it but the planning agency got it all fouled up."

The local people say, "We sent the money on up."

Everybody is knocking the problem around and no one knows where the fault lies.

Then you lose support for the program and then people say, "Senator Percy and Senator Kennedy, why are you supporting that program? We never see that money. They are sending us soybeans and we wanted something else."

I think I would rather hold them accountable. I would rather hold the Governor accountable and the local people. I think that is about as far as you can go.

However, if we set this additional kind of layer in, I think we are removing the responsibility. I think we are dampening the kinds of initiatives that are important. I would say that I think it would be useful that the AoA would provide help and assistance—technical help and assistance. If the local groups wanted to do this voluntarily to make their local programs more efficient, they could say, "You fund our program. We have five communities here and we will do about 1,000 to 2,000 meals. We can do it more efficiently than the others."

Let them compete on that limited amount of money. The State director can make that kind of judgment. He can say, "We can feed more elderly people by going with this program than the other one."

It seems to me that way you would provide that kind of help and assistance they want. If they do not like it, they can get out. If they do, they can stay.

Commissioner, you have been very patient with us. I am sure we understand what our positions are in this. I would like to submit some other questions. You have been kind to stay with us.

The committee is in recess, subject to the call of the Chair.

(Whereupon, at 5:02 p.m., the Select Committee was recessed, to reconvene at the call of the Chair.)

APPENDIXES

Appendix 1.

MATERIAL SUBMITTED BY THE WITNESSES

FROM DR. JEAN MAYER

[From Barron's, June 5, 1972]

"LET THEM EAT CAKE"—UNCLE SAM'S WAR ON HUNGER MAKES JUST AS MUCH SENSE

(The accompanying effort to explode the myth of "hunger in America" was written by John B. Parrish, Professor of Economics, College of Commerce and Business Administration, University of Illinois. Apart from his concern as a citizen and taxpayer, the Professor's interest in the issue is strictly academic.)

Uncle Sam is giving up his role of friendly Uncle. He is becoming "Big Daddy"—super parent. "Big Daddy" is now taking over the feeding of the nation's children. Parental feeding is going out of style. Besides, feeding children at home is time-consuming, "undignified" and "demeaning." Currently "Big Daddy" is serving four billion lunches annually to nearly 30,000,000 school children. One of the biggest lobbies ever assembled in the nation's capital is now pushing hard to raise the number of lunches to six billion annually to all of the nation's 50,000,000 school children, regardless of family income.

Under the Food Stamp Program, "Big Daddy" is now subsidizing the food purchasing of nearly 12,000,000 low-income persons. The Nixon Administration's Family Assistance Plan would raise the number to at least 25,000,000 and probably closer to 30,000,000. (Not to mention other federal programs such as food commodity distribution, school breakfasts, snacks and lunches for Head Start, child day-care centers, settlement houses, summer camps, emergency food and medical services, food for the elderly, special milk programs, etc.)

On May 6, President Nixon urged Congress to boost the school feeding program by nearly $50 million for regular school year lunches, breakfasts and for summertime meals. Feeding of low-income children would be compulsory for schools, free for the children. Excluded through income ceilings would be children of the near poor and nonpoor families.

Why should "Big Daddy" be doing all this? Senator George McGovern's anti-poverty crowd makes two claims. First, the poor can't feed their children because they don't have enough money to buy enough food. Millions of American children are "hungry and badly nourished." This is "shocking." Second, many nonpoor parents won't feed their children properly. If both parents and children stay up too late watching TV and skip breakfast the next morning, then "Big Daddy" will just have to feed them at school.

Before accepting these political claims and solutions, it might be well to examine the evidence. What is the actual extent of "hunger" and "malnutrition" in the U.S.? Why have U.S. diets been reported "declining," 1955–1965? What, if anything, can school lunches do to improve diets? What, if anything, can food stamps do to improve diets?

How much "hunger and malnutrition" is there in this country? This question may be put to three major scientific tests. The first test is to apply the results of

the 1965–66 Household Food Consumption Survey, conducted by the U.S. Department of Agriculture. It was found that among high-income families (annual incomes of $10,000 or more), average daily nutrient intake exceeded the Food and Nutrition Board's full Recommended Daily Allowances in every one of eight nutrients studied. And what of the nation's poor (annual incomes of $3,000 or less)? The average daily nutrient intake of the poor also exceeded the full RDA in every one of the eight nutrients.

This actually understates the high level of nutrient intake of the poor. The full RDA are purposely set very high to provide a wide safety margin. If the more realistic two-thirds of RDA is used, the nation's poverty families had a daily intake of nutrients which exceeded recommendations by from 67% to 176%. America's poor are overeating, particularly in terms of calories and carbohydrates.

A second test may be applied from the National Nutrition Survey, 1968–1970. This was the most intensive study ever made of the nutritional status of the nation's population. It focused on the lowest-income families in 10 states and New York City. It involved diet review, clinical examination, biochemical analysis. There were three major findings. For one, virtually no cases were found of the common nutritional diseases that would have been found if the poor had been chronically hungry or malnourished. The rare, occasional case arose from idiosyncratic or situational factors. Secondly, from 93% to 99% of both poverty and nonpoverty persons were found to have adequate nutrient states in the case of riboflavin, vitamins A and C, hemoglobin. In the light of individual variations and the generous "safety" margin, this finding reflects remarkably high levels of nutritional health among the nation's poor, and the absence of conditions which accompany serious malnourishment. Third, in terms of daily dietary intake, very little difference was found between the poverty and nonpoverty populations in calories, protein, vitamin A. The higher-income groups were somewhat better off than the lowest in iron, but the poverty group was better off than the upper-income groups in vitamin C.

A third test of the "hunger and malnutrition due to low income" thesis may be applied from a special study of the nutritional status of U.S. children, based on the USDA's 1965 Household Food Consumption Survey. It was found that all infants up to one year of age met the RDA for protein, calcium, vitamins A and C, at all income levels. Yet it was found that among these same infants, all were short of iron, at all income levels. Why? Because the "normal" diets of infants, even the "good" diets at upper-income levels, are iron deficient. Increased income transfer payments in cash or food stamps will not remove this deficiency. Ironically, the deficiency is aggravated in some infants when parents have given them too much, not too little, unfortified milk.

One can only conclude from the evidence that claims of widespread "hunger and malnutrition" are false. The problem is not inadequate income. The problem is not quantitative. The problem is qualitative.

The USDA reported in early 1968 that despite fading poverty and rising real family income, the quality of U.S. diets declined, 1955–1965. Diets rated "good" declined from 60% in 1955 to 50% in 1965. Diets rated "poor" increased from 15% in 1955 to 21% in 1965. How to explain this paradox? It is self-evident that the answer is not to be found in the income parameter. The evidence indicates the answer is found in changing food habits of an affluent society, particularly among the nation's youth.

The factors include: (1) decline in family-wide variety group eating, (2) greater use of limited variety convenience foods, (3) greater selection of food based on taste rather than nutrient content, (4) more snacking with limited variety foods, (5) meal skipping, (6) more eating away from home at limited variety fast-service, drive-in restaurants, (7) declining nutritional knowledge and awareness in an urbanizing society, (8) earlier determination of food choices by youth based on the limited variety habits of a youth culture, (9) declining priority of food in family budgets, (10) rise of health fad foods and pursuit of limited variety food diets such as Zen Macrobiotic. The problem of U.S. diets is lack of balance, arising from voluntary changes in food habits.

School administrators all over the country are enthusiastic about their new non-education parental function of communal feeding of children. School magazines are full of "before" and "after" stories when children are served "steaming hot nutritious meals" at noon. After only a few days, the children's cheeks take on a new glow. They are now happier. They are more alert. They study better. They are better behaved. Who could ask for anything more?

Now what is the truth? The truth is that school lunches can't do very much to raise the nutritional status of the population. They may prove counterproductive. There are many reasons why.

First, children receive school lunches only half the days of the year. So the maximum annual gain is 50%. Second, the maximum nutritional achievement of a school lunch is one-third of the Recommended Daily Allowances. Satiety puts a ceiling on what one can do. One-third of one-half is 17%—the maximum boost during the year. Third, serving well balanced school lunches is only a small part of the battle. Getting children to consume the varieties of food served is the big step. Numerous reports indicate that having already formed limited food tastes, children leave the kale, broccoli, spinach, bean salad untouched. It is not possible to raise the quality or nutrient balance of children's diets by filling up the nation's school garbage cans with unconsumed foods rich in vitamins A and C and iron. Our 17% is reduced to not more than 10%, if that.

Fourth, children can be persuaded to participate in school lunches from ages 6 to around 14, after which the dropout rate rises sharply as youth food habits and independent decision-making take over. Thus the exposure to school lunches is around eight years, over a life cycle of 67 years for males and 74 for females. Our 10% is now reduced to 1%.

Fifth, the above estimate of 1% elevation in diets through school lunches, is undoubtedly too high. As responsibility for feeding children is shifted to the schools, there is apt to be a decline in parental concern about serving well-balanced meals at home. Why bother with time-consuming food preparation at home if the kids will be fed at school? So our 1% is now down to a fraction of 1%.

Sixth, if parents believe school children now have good diets because of school lunches, the program could well be counterproductive. The major nutrient deficiency of American youth is serious iron deficiency among girls from around age 12 on. There is no way this program can be met through "hot nutritious school lunches."

Along with school lunches, advocates of the "Big Daddy" approach to the nation's diet problems promote the issuance of food stamps to the poor. Not only have the liberals promoted and jumped on the food stamp bandwagon, but also many on the political right have succumbed. President Nixon, in a special message to the Congress on May 7, 1969, said the time has come to "put an end to hunger in America for all time"—with food stamps, free or low cost. A food stamp allowance of $750 has been added in the Family Assistance Plan to the minimum income guarantee of $1,600 for a family of four. The political spectrum from far left to far right says the solution to the malnutrition problem is "now at hand."

Is it really? What is the truth about "Big Daddy" feeding the nation's poor via food stamps? The truth is that food stamps per se will do very little to raise the nation's diet levels and very well may prove counterproductive. Why? There are many reasons.

First, there is abundant nutrition research available to indicate that food has a low priority in the expenditure patterns of the poor. Unless this is changed, the total amount spent on food, including the cash value of food stamps, will remain about the stamps, will remain about the same. The income released by food stamps will be spent on nonfood items.

Second, even if the total amount of spending on food by poor families should be increased via food stamps, diets will not be enhanced very much, if at all. The reason is that the problem of diets among low income families (as among higher) is qualitative, not quantitative. It is failure to purchase a variety of foods rich in all the micronutrients, particularly vitamins A and C. Consider the welfare mother. Before she has food stamps, she purchases one pound of hamburger, potato chips, soda pop, cookies, canned peaches. That is what the kids like. If she does purchase more food with food stamps, she will come out of the supermarket with two pounds of hamburger, two sacks of potato chips, two cartons of soda pop, etc.

Third, the poor diet of low-income ethnic minorities is based in large part on certain very strong cultural preferences. It is true, not only in this country but also abroad, that among migrants from rural to urban areas, food patterns are the very last cultural attribute to be given up, long after clothing, language, housing styles and work preferences have changed. There is abundant research which reports that the relatively rigid food habits of the poor are continued after families receive food stamps.

Fourth, quite aside from rigid cultural food patterns, is the fact that nutritional illiteracy is extremely high among low-income, low-education families. Illiteracy is not reduced by food stamps. In fact, it may increase the resistance of these families to suggested changes from outside nutritionists.

Fifth, to the extent that political leaders assume that the extension of food stamps to all the nation's poor, working and nonworking, will end poor diets "for all time," and thereby fail to support expanded programs of nutrition education and research, to that extent, the food stamp program will be counterproductive.

Sixth, the two major diet problems of the nation's poor, as well as the nonpoor, is overconsumption of the macronutrients, and iron-deficiency anemia among females 14 to 45 years of age. The food stamp program will do nothing to reduce either problem.

For nearly a decade, Americans have been told that millions of their fellow citizens are suffering from acute "hunger and malnutrition." As a result, a compassionate and concerned electorate has been persuaded to support the institutionalization of feeding by federally financed programs of school lunches for all and food stamps for the poor.

The claims of widespread "hunger and malnutrition" have been false from the beginning. The political solution is equally false. It could prove counterproductive. Meanwhile, the two major diet problems of the population go largely ignored, except by a few professional nutritionists and the AMA. The struggle to raise the nutritional levels of an affluent society will be long and hard. It will involve education to raise nutritional literacy at all levels. This will take time. It will involve research into how to safely fortify many common foods. This will take time. It will involve research into how to overcome selective macronutrient deficiencies. And this will take time.

Meantime, the "sicksociety" politicians will find new false claims to take us just one more step toward the communal state where all are equal and "Big Daddy" does everything. Unfortunately, the federal food programs will likely bring one more turn of the wheel of disillusionment. "Big Daddy" really can't raise diet levels by feeding the nation's children.

FROM JAMES J. O'MALLEY

SPECIFIC COMMENTS ON THE PROPOSED RULES AND REGULATIONS, AS PUBLISHED IN THE FEDERAL REGISTER ON JUNE 6, 1972

Sec. 909.3—Sub-Sec. (b)

We would suggest that this present interpretation of "Minority individuals" as those who identify themselves as "American Indian, Spanish Language, Negro, or Oriental" be deleted—and that the language in the original law with respect to priorities for "minority groups" (Sec. 706—Sub-Sec. (4) be retained; namely, "preference shall be given . . . to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, and limited English-speaking eligible individuals in proportion to their numbers in the State."

Such language will provide for *all* minority groups—Negro, Oriental and American Indian—as well as others. It will allow us, in New York, to include—should communities continue to express themselves as they have done—the older Jewish eligible participant, as well as other limited-English speaking people, along with Spanish language speaking individuals.

Sec. 909.3—Sub-Sec. (c)

The present language—restricting "Project area" to a geographic area for which a single project award may be made, needs revision, since these regulations require that: "This project area may not be less in area than a single county, a single city with a population of at least 250,000, or a single Indian reservation."

Again, the original law (Sec. 705—Sub-Sec. (2)) Provides that grants may be made "to any public or private nonprofit institution or organization, agency, or political subdivision of a State . . ."

Chart Number 1, which is included in this testimony, provides a breakdown of the 62 Counties in New York State which could be eligible under these proposed regulations.

It points out rather clearly the variation in the size of these counties from the largest (Kings County, or Brooklyn, if you will, with a total population of 2,601,012 of whom 421,120 people—16.2% of the county's population is 60 years of age and older) to the smallest (Hamilton County, with a total population of 4,714, of whom 1,029 (21.8%) are in the 60 and over age category).

For the State as a whole, we are talking about 2,822,903 persons 60 years of age and over—15.5% of our State's total population. This same population of older persons, by the way, is larger than the *total* population of nearly half of the states in the country.

On a countywide basis, each of these units would be eligible sponsors—assuming, of course, that there is the willingness and financial commitment on the part of the county government or some comprehensive countywide organization to participate in the program.

I would hope that this would be the case, but I need not remind you gentlemen of the financial constraints which face our local government agencies, and, in many instances, the lack of comprehensive, countywide organizations in many of our rural counties.

But my more serious concern is with the designation of cities with a total population of 250,000 or more—and concommitantly—the exclusion of other units of government (towns, villages, school districts)—as potential sponsors.

Also included in this testimony, Chart Number 2, is a breakdown of 25 Cities and Towns in New York State which have more than 10,000 residents 60 years of age and over.

According to the proposed regulations, only three of these—New York City, Buffalo and Rochester—would meet the requirement of a total population of

250,000. If this is the case in New York, I am at a loss to see how there will be many "City" sponsored programs anywhere in the Nation. It is uniquely interesting to us that the Capital City of the State, Albany, with 24,008 persons 60 and over—20.7% of its total population of 115,781 could not, under these regulations, operate a nutrition program under either City or private, nonprofit sponsorship.

And equally important and alarming is the situation in Hempstead—probably the largest Township in the United States—which has a total population of 801,-110 persons, of whom, 96,377 (12% of its total population) are 60 years and older. Despite the excellent programs which have operated here, and in other Towns and Cities in our State, all but the three Cities I have noted, would be excluded from sponsorship under these proposed regulations.

You will, no doubt, hear from the Mayors and Supervisors in these and other municipalities, as well as the heads of our School Districts, on how they feel about such restrictions being placed on a more comprehensive national law.

I am not advocating total Balkanization to include the 3,485 local government units, of all types, which exist in our State. I would sympathize with our federal counterparts in this if they, in turn, had to deal with the more than 81,000 such units nationally.

What I am suggesting is that it may be more equitable and practical—if the Legislative intent in this law is to serve people as close to home as possible—to take another look at the definition of the population in a "Project Area."

If we are talking about serving persons 60 and over, then let us base our arithmetic on these figures, rather than on total population.

It might even be feasible to carry it to the level of a "project area" which includes at least 10,000 persons 60 years of age and over, whether the unit of government be a county, city, town, village, school district—or a nonprofit agency within that area serving that same clientele group.

And one final point in this regard. I would hope that the regulations would also give consideration to the possibility of cooperative efforts on the part of two or more local sponsors, even though a contract or grant would be made with only one party. Our experience with the Title III program in New York State has given us reason to believe that this approach is sometimes more realistic for smaller counties and municipalities, again, when many of them are faced with the dilemma of wanting to help their older citizens, but no one of them is financially able to make the required investment.

Sec. 909.6

This section on State Plan submission and approval raises questions with respect to who will, in fact, approve such Plans, and why.

At one point it states that such approval is within the "delegated authority" of the Regional Commissioner—Social and Rehabilitation Service; at another point, it states: "or forward the plan or amendments, together with his comments and recommendations, to the Administrator" who would be in Washington.

As a State Executive, I would be willing to work with either, but would not like to feel I might be subject to dual relationships if they were not required.

We would suggest the Administration on Aging more clearly state exactly to whom we will submit, and from whom we will receive approval.

Sec. 909.19—Sub-Sec. (a) and (b)

The designation of "target groups of eligible individuals" in the State Plan hints at the possibility of "lack of community input."

I am not suggesting that State Agencies would not be able to do this; rather, I am saying that it should be a shared decision with the potential sponsors of programs.

This would tie in more closely with our recommendations on the changes for such "project areas" (Sec. 909.3) and allow for maximum participation between the State administering agency and the local sponsor. If these decisions are already made in the State Plan, then potential local sponsors will be excluded from participation.

Rather than the wording that the State Plan "identify target groups," it might be better to suggest that the State Plan "require local project sponsors to identify target groups." (See remarks for Sec. 909.35.)

This same "shared responsibility" should be re-written into Sub-Sec. (b) regarding "assurances that the projects . . . serve primarily those target group individuals determined to be in greatest need."

Sec. 909.20—Sub-Sec. (a)

Of all the objections we wish to raise in these proposed regulations, this is, without doubt, our strongest.

Over the past two years, we in New York State, have been intensively involved in preparing for, participating in, and following up on the 1971 White House Conference on Aging. We have involved older people, professionals, and lay workers—as well as a host of other people who were concerned about the plight of our older citizens.

We did not need this Conference—nor all of the other meetings and conferences and hearings and seminars which you as members of Congress and we as State Executives held—to tell us that the number one problem with older people was the need for an adequate income.

When your Honorable Bodies, and the President of the United States wrote and signed Public Law 92–258—Nutrition Program for the Elderly, you did not write this law to be administered through the Old Age Assistance programs.

As I understand your intent, which seems to be clearly stated in Sec. 701 of the law, you were concerned with the needs of older people on a variety of fronts: (1) those who could not afford meals, but also, (2) those who lacked the skills to select and prepare meals, (3) those who could not shop and cook because of limited mobility, and (4) those who had feelings of rejection and loneliness which, in your words, "obliterated the incentive necessary to prepare and eat a meal alone."

If your primary concern was income alone, I believe you would have restricted the eligibility to the first group, above. But as you gave equal weight, and we feel justifiably so, to the other important factors related to the nutritional needs of older people, then we feel that federal regulations should reflect these same equal concerns.

We see this new program as restorative *and* preventive. If the intent of Congress is that this program should help people at the poverty level, then we will accept the wording in this section; namely, "each area selected . . . will include major concentrations of older persons whose income is below the current Department of Commerce, Bureau of the Census poverty threshold."

If, however, your intent is as we see it; namely, to help people with "nutritional needs," then we would suggest the elimination of this criteria.

I am aware that the phrase is "major concentrations," but I am also fearful of eliminating the possibility of helping as many people as may need this program.

If any income figure must be used, and if we are to use the recommendations of the 1971 White House Conference on Aging, the 1969 White House Conference on Food and Nutrition—and our mutual concern to help people to maintain themselves in the community without having to become eligible for public assistance, then the only possible and appropriate base—particularly in New York State—would be the most current figures from the Bureau of Labor Statistics.

If there is to be any relationship between this program and the actual, day-to-day nutritional needs of people 60 years of age and over in this country, then the pat, simple "laying on of hands" with one income eligibility standard is not acceptable.

You who are members of Congress know only too well the variations which exist among states, and among sections within states.

We who are State Executives in the field of aging share this same knowledge and we would like to have the opportunity to reflect the individual needs of our states and the variations among sections of our states.

I have included two Charts (Numbers 3 and 4) with my testimony to reflect the wide variance between the Commerce Department "poverty threshold" figures and the Intermediate Level Budgets of the Bureau of Labor Statistics.

Even on the "mean" basis, the Commerce figures for a single older person (65 years of age) is only $1,932, while the lowest figure of the Bureau of Labor Statistics (for a single person, 65 years of age in a Non-Metropolitan, non-farm area) is $2,589.

When you study them more closely—and I mean closely in the sense of what a dollar will buy in today's market place—the figures are even more disparate.

An older couple in New York City, in the Autumn of 1970, would need $5,580 to live at the Intermediate Budget Level of the Bureau of Labor Statistics. They could maintain some respectability. They could, as we so often say they should, continue to remain as active members of their community.

The Commerce Department figures, which only provide distinctions for "farm and non-farm" variables, would provide an income eligibility level of $2,449 for this same older couple in New York City—where nearly half of our older citizens reside.

In other words, our regulations suggest that $2,449 be used as a base, while our facts of daily living for this same couple suggest a difference of $3,131 between this figure and what they actually need to live at a modest level in the Nation's largest city.

Our Office has been engaged in an intensive Statewide survey of older people—older people telling us what their needs are—and from our preliminary findings, just over 50% of all Elderly Households in the Winter of 1971–72 would have incomes between $2,000–$2,999.

If we graduate to the $5,000 level of income for such households, we would include 76.7% of such households headed by someone 65 or older.

It has become axiomatic that to become old is to become poor. We would suggest that this need not be so if we are able to design programs which will help people to help themselves.

We believe that even the Nutrition Program has this preventive potential and we would ask, therefore, that any specific references to income eligibility for this program be based on the most current Intermediate Level Budget for Older Individuals and Couples of the Bureau of Labor Statistics.

We would recommend further that the individual State Plans be allowed to provide for variations within each state (rural, metropolitan, etc.)—and further still—that these figures be updated on an annual basis.

Only in this way do we feel we can, in fact, serve those "in need" as your Honorable Bodies have defined them.

Sec. 909.21—Sub. Sec. (c)

We have already expressed our recommendations for change on this subject. We would, however, agree with the theory of more than one project award in an area with a total population of 250,000 or more However, should public officials from whom you will hear on this suggest flexibility for an area of lesser total population (say 100,000 or 150,000 total population), then this same multiple sponsorship would also be agreeable to us.

Sec. 909.21—Sub. Sec. (d)

Though we appreciate the requirement for "comments" from public agencies if the local sponsor is not a public agency in the community, there is possible confusion regarding "appropriate major unit(s) of local general purpose government."

Does this mean a private, nonprofit agency in a village would require such "comments" from the village, town and county public agencies—or only the village one? A clarification might be helpful.

Sec. 909.22

The language in this section "hints" at continuation of existing programs—and further "hints" at blanketing in all existing Title IV Nutrition programs until they meet ultimate state and federal standards for the program.

As State Executives who have also initiated nutrition projects under the Title III program of the Older American Act, we would ask that such "hinting" at continuation be specifically spelled out for these programs as well.

We in New York do, in fact, have such programs and we would like to think that they can have the opportunity to "blanket in" if the needs arise and the requirements are met.

However, a major problem exists on several fronts with respect to such "strengthening of existing programs."

The first problem has to do with the Title XVI programs which provide meals to older people under the Social Security Act Amendments with a formula of 75% federal funding, 25% non-federal. Are all of these programs eligible for inclusion under Title VII of the Older Americans Act, and if so, will there be any money left for new programs?

It would seem that the federal government should be in a position to decide who will continue to maintain their programs under one Title and who will be eligible to expand or start new programs under another Title.

Do we maximize both programs by requiring them to continue separately and cooperatively, or do we fold into the program with the most attractive funding formula?

So too, with the nutrition programs initiated by the Office of Economic Opportunity through its Emergency Food and Medical Services Program.

Are all of these to be "blanketed in" under this new law, or does the Office of Economic Opportunity have obligation to maintain its efforts in this field?

This latter situation is quite real in New York where several such O.E.O. sponsored programs will lose financial support on June 30th and September 30th.

Is Mr. Sanchez, the Director of the Office of Economic Opportunity, prepared to make the same decision that Commissioner Martin has made with respect to his Title IV Nutrition Programs; namely, to continue to provide support until these, too, can meet the standards which will be developed for the National Nutrition Program?

I strongly suggest that the various federal officials involved—Secretary Richardson, Administrator Twiname, Commissioner Martin, Director Sanchez and Dr. Arthur Flemming get together at some point to more clearly define precisely who is to do how much—when and where.

It might be nice to build an empire by absording all nutrition programs for the elderly into one Title VII program, but on the other hand, it would seem to lessen the impact we all want and need so badly; namely, to have as many possible sources of funding as we can for the vast needs area we are addressing ourselves to.

Sec. 909.28

The reference to "Title III" is an apparent misprint. We assume it to mean "Title VII."

Sec. 909.29

The requirement for "site evaluations of each nutrition project within the State at least quarterly" is sound theory, but may prove impractical administratively.

We would suggest "periodic site visits," or at most, if a requirement were needed, "ar annual site visit."

Sec. 909.32—Sub.-Sec. (4) and (5)

These requirements would appear to mandate that each recipient would have particular staff positions for the above noted sections.

Because these sections are related to another part of the regulations (the distribution of funds between nutrition and related services) we would question whether each individual grantee or contractor would require such personnel.

The thinking here is that there should be a maximizing of local resources. If a grantee or contractor was operating a nutrition program in an area where the services under Sub-Sec. (4) and (5) were already available through other organizations—or even through other sections of his own agency, then it would seem unnecessary to require special, new staff for these positions.

As presently written, one could assume either "new" staff or "existing staff" (whether in sponsor agency or another agency) would be sufficient.

However, as there appears to be room for "double reading," it might be more beneficial to spell out these requirements in clearer detail.

Sec. 909.33

We would suggest that as far as federal regulations are concerned, it might be more appropriate to use the language of the law itself in this section; namely, Sec. 706—Sub-Sec. (8) which reads: "to establish and administer the nutrition project with the advice of persons competent in the field of services in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons."

Let it be understood at the outset that we are strongly in favor of maximum participation by older consumers themselves in all aspects of the program.

Indeed, the law itself has made specific reference to preference in hiring older people for positions. However, our concern is on two counts: (1) the fear of Balkanization, and (2) the lack of flexibility which may be necessary among projects in a given state and within all states in general.

Some potential sponsors may already have committees or boards meeting these or even stricter standards, and it would then present a question of how many boards and committees a program actually needed to discharge its "consumer representation" and "public participation" responsibilities.

The Administration on Aging will have the opportunity to meet this "consumer representation" requirement in its approval of individual State Plans. And since most of us have not as yet had the opportunity to have full input from all of the concerned individuals in our states, it might be more appropriate to reflect these individual concerns than to try to implement a pre-packaged plan in this area.

Should these provisions stand, however, we feel we could reasonably comply with them—given two suggestions below:

(1) Sub-Sec. (a) There seems to be ambiguity in the terms "the council to advise" and "to approve all policy decisions related to. . . ."

A clearer decision on whether it is "advise" or "approve" seems needed.

(2) Sub-sec. (c) Given the variables which will exist between public and private, nonprofit sponsors, and their subsequent requirements with respect to such Committees, terms of office, etc., it might be more advisable to recommend that the project sponsors submit plans and policies to cover these areas—such plans and policies to be approved by the State agency. Again, this will allow for the flexibility which will seem needed in these areas.

At this point, we are only talking about a two-year program, some components of which will not begin until Federal Fiscal Year 1974. Does a State require that all members of such councils be appointed for one year, for two years, or how long?

Sec. 909.34—Sub-Sec. (a)

Again, we submit that Bureau of Labor Statistics Intermediate Level Budget figures be used in place of "poverty threshold" figures of the Department of Commerce, Bureau of the Census.

Sec. 909.34—Sub-Sec. (c)

There is confusion in the wording about each congregate meal site "and a setting conducive to expanding the project."

Adding one person is an expansion to some people. If a set number is given, will the funds also be available to meet this expansion?

Again, clarification may be needed.

Sec. 909.35

This section more properly handles the "Identification of Persons to be Served" than Sec. 909.19—already alluded to.

However, there is question as to "when" such identification will be done and whether it will be an allowable project cost.

If the State agency accepts such identifications which have already been done by potential sponsors, will this preclude new agencies (which may not have conducted such surveys) from applying and becoming potential sponsors?

Should all projects have a built-in period of "Survey, identification, outreach, and publicity" before they can begin the actual meals program? If so, how long should this be?

Given the above, do existing nutrition programs have an advantage—in terms of being first recipients of funds under the program—because, presumably, they have already completed these assignments?

Again, clarification may be required.

Sec. 909.36—Sub-Sec. (c)

For therapeutic purposes, the language in this Sub-Section might better read:

"Meals at each congregate meal site, where indicated, shall be modified to meet the particular dietary needs arising from health requirements. Where feasible and appropriate, menus shall be provided for meeting the religious and ethnic background requirements of participants."

Sec. 909.37

A clarification of this section would be helpful in the event that a project site were chosen to provide *only* delivered meals, rather than congregate *and* delivered meals.

Although the emphasis of the program will, of course, be one the congregate meal, it may, in certain instances—particularly with agencies experienced in this system—be better to have one site to handle only delivered meals.

The language, at present, could or could not so read. Again, clarification would be helpful.

Sec. 909.38—Sub-Sec. (a)

The points covered in this section seem related to the requestion raised about Sec. 909.32—Sub-Sec. (a)—Nos. 4 and 5.

This wording, referring as it does to the provision of supporting services "to the extent that such services are needed and are not already available and accessible" seems a more appropriate way of handling this aspect of the program.

This wording should be considered in reviewing Sec. 909.32—Sub-Sec. (a)—Nos. 4 and 5.

Sec. 909.38—Sub-Sec. (b)

It is our understanding that the 20% figure for the provision of social services will relate to the total State allotment and not to each individual project.

Assuming this is a correct interpretation, we will be provided with the opportunity to have the flexibility needed between urban and rural areas where variables will exist for such programs—particularly the cost of transportation services in bringing people to meals, or meals to people.

Sec. 909.40

On the question of charges to individuals for meals, we are in agreement with this entire section.

We would, however, raise two points.

The first of these may or may not be peculiar to our situation in New York State. At the present time, special allowances are provided to Aged, Blind or Disabled Persons receiving public assistance if they are unable to prepare their own meals. In addition to regular monthly allowances, each recipient, so determined, receives a monthly allowance to pay for meals in a restaurant, as follows: for breakfasts, luncheons, and dinners—$64. For luncheons and dinners only—$47.

Because these programs involve federal funds, will one program obviate the other—in the sense that such an older public assistance recipient might receive a meal under the existing Titles III and IV programs of the Older Americans Act, Title XVI programs under Social Security Amendments, programs sponsored by the Office of Economic Opportunity, or this new Title VII program.

Again, a meeting of the appropriate federal officials involved in these programs—as well as we State officials for whom this program applies—seems mandated if we are to avoid confusion and duplicity, while still maximizing on all of our potentials to serve older people.

The second point in this Section is, of course, our repeated call for the opportunity to use Food Stamps in the congregate meal setting, as well as has already been provided, in the home delivered meal portion of the program.

Sec. 909.41

As a point of clarification, it was our understanding that the U.S. Department of Agriculture had either funds and/or personnel to publicize and register people for the Food Stamp Program.

If such is the case—or if a restructuring of the priorities in this Department could be made to allow for these services—then the wording in this Section might be changed to allow such costs "only if necessary and not available from the U.S. Department of Agriculture."

Sec. 909.42

Although we agree with the intent for confidentiality, for purposes of statewide evaluation and review, it would seem appropriate that the local sponsor and the State agency have access to minimal information on each participant; namely, name, address, city, state and ZIP code.

Sec. 909.43

Though we agree with this need for specialized training, we would appreciate clarification as to whether the necessary travel, meal, etc. costs involved in such training will be an allowable cost for each project (if so, how is it planned for—nationally, in the Region in the State, in the project area), or will it be paid for by the federal government?

Sec. 909.44

The achievement of "measurable program objectives" is admirable, but does the federal government have specific items in mind—number of meals served, meals delivered, social services provided?

Vagueness at this point might allow flexibility, but it might also allow a lack of uniformity with the total national program. Preparation for such measurements would go a longe way in seeing to it that they are ultimately achieved.

Sec. 909.48

We would suggest that "fire standards" be added to "health and safety standards," and further, that it be a requirement of eligibility and continuation of all projects that they submit written confirmation that they meet all such standards before a project can begin and that they, annually, submit such reports to the State agency.

Sec. 909.57

As a general question, will the contributions be made by eligible participants be considered as a "local contribution" to meet the 10% non-federal costs of projects, or must such contributions be anticipated as income to the project; thereby reducing total budgets by that amount?

Sec. 909.58

A clarification of the wording in this section seems to be required.

Does this apply only to second and subsequent years of support under Title VII—or does it, as was raised in our questions regarding Sec. 909.22—require such "maintenance of effort" for any program which would already be in existence?

This, of course, would then have implications for all Title III and IV programs under the Older Americans Act, for all programs under Title XVI of the Social Security Amendments, for all programs funded by the Office of Economic Opportunity, and for hundreds of programs operated and funded under other public and private, nonprofit auspices as well.

Again, a very clear definition and clarification seems mandated.

Sec. 909.62

Does the interpretation of this section have bearing on the question raised with regard to special allowances for meals in restaurants which are available, at least in New York State, to certain recipients of Aid to the Aged, Blind or Disabled?

NEW YORK STATE EXECUTIVE DEPARTMENT—OFFICE FOR THE AGING

Counties	New York State, total population	New York State, population 60 and over	Percent of 60 and over to total population
Total (62)	18,236,967	2,822,903	15.5
Albany	286,742	48,049	16.8
Allegany	46,458	7,176	15.4
Bronx	1,471,701	245,077	16.7
Broome	221,815	33,541	15.1
Cattaraugus	81,666	13,165	16.1
Cayuga	77,439	12,162	15.7
Chautauqua	147,305	25,497	17.3
Chemung	101,537	15,259	15.0
Chenango	46,368	7,246	15.6
Clinton	72,934	7,855	10.8
Columbia	51,519	10,030	19.5
Cortland	45,894	6,456	14.1
Delaware	44,718	8,170	18.2
Dutchess	222,295	31,878	14.3
Erie	1,113,491	161,312	14.5
Essex	34,631	6,036	17.4
Franklin	43,931	7,107	16.2
Fulton	52,637	9,903	18.8
Genesee	58,722	8,372	14.3
Greene	33,136	6,966	21.0
Hamilton	4,714	1,029	21.8
Herkimer	67,633	11,545	17.1
Jefferson	88,508	15,109	17.1
Kings	2,602,012	421,120	16.2
Lewis	23,644	3,546	15.0

NEW YORK STATE EXECUTIVE DEPARTMENT—OFFICE FOR THE AGING—Continued

Counties	New York State, total population	New York State, population 60 and over	Percent of 60 and over to total population
Livingston	54,041	7,367	13.6
Madison	62,864	8,099	12.9
Monroe	711,917	96,773	13.6
Montgomery	55,883	11,456	20.5
Nassau	1,428,080	168,076	11.8
New Yrok	1,539,233	304,394	19.8
Niagara	235,720	32,113	13.6
Oneida	273,037	41,722	15.3
Onondaga	472,746	63,003	13.3
Ontario	78,849	11,651	14.8
Orange	221,657	33,849	15.3
Orleans	37,305	5,523	14.8
Oswego	100,897	13,289	13.2
Otsego	56,181	9,913	17.6
Putnam	56,696	7,179	12.7
Queens	1,986,473	366,539	18.5
Rensselaer	152,510	24,951	16.4
Richmond	295,443	37,365	12.6
Rockland	229,903	23,144	10.1
St. Lawrence	111,991	15,599	13.9
Saratoga	121,679	14,943	12.3
Schenectady	160,979	27,063	16.8
Schoharie	24,750	4,474	18.1
Schuyler	16,737	2,581	15.4
Seneca	35,083	6,131	17.5
Steuben	99,546	16,001	16.1
Suffolk	1,124,950	121,533	10.8
Sullivan	52,580	9,874	18.8
Tioga	46,513	5,403	11.6
Tompkins	76,879	8,289	10.8
Ulster	141,241	22,921	16.2
Warren	49,402	8,208	16.6
Washington	52,725	8,222	15.6
Wayne	79,404	11,143	14.0
Westchester	894,104	141,328	15.8
Wyoming	37,688	5,648	15.0
Yates	19,831	3,580	18.1

OFFICE FOR THE AGING

25 CITIES AND TOWNS IN NEW YORK STATE WITH MORE THAN 10,000 PERSONS 60 AND OVER IN 1970

Municipalities	City or town	1970 total population	1970 population, 60 and over	Percent of 60 and over to total population
Albany	City	115,781	24,008	20.7
Amherst	Town	93,939	11,463	12.2
Babylon	do	203,570	19,866	9.8
Binghamton	City	64,123	13,807	21.5
Buffalo	do	462,768	84,920	18.4
Brookhaven	Town	243,915	25,294	10.4
Cheektowaga	do	113,844	11,370	10.0
Greenburgh	do	85,746	11,284	13.2
Hempstead	do	801,110	96,377	12.0
Huntington	do	200,571	18,149	9.0
Islip	do	278,399	29,392	10.6
Mount Vernon	City	72,778	13,337	18.3
New Rochelle	do	75,385	13,260	17.6
New York City	do	7,894,862	1,374,495	17.4
Niagara Falls	do	85,615	13,561	15.8
North Hempstead	Town	234,984	32,086	13.7
Oyster Bay	do	333,089	27,064	8.1
Rochester	City	296,233	54,219	18.3
Schenectady	do	77,859	15,914	20.4
Smithtown	Town	114,004	10,490	9.2
Syracuse	City	197,208	35,173	17.8
Tonawanda	Town	107,282	13,605	12.7
Troy	City	62,918	11,913	18.9
Utica	do	91,611	18,508	20.2
Yonkers	do	204,297	35,702	17.5

U.S. DEPARTMENT OF COMMERCE, BUREAU OF THE CENSUS

POVERTY THRESHOLD IN 1971 FOR THE UNITED STATES

	Total	Nonfarm total	Farm total
Unrelated individuals age 65 and over	$1,932	$1,941	$1,654
2-person-family head 65 and over	2,428	2,449	2,080

Note: Poverty thresholds (also termed low-income levels) are developed by the Bureau of the Census only for the United States as a whole, not for individual States or areas within a State.

BUREAU OF LABOR STATISTICS, INTERMEDIATE BUDGET FOR A RETIRED SINGLE PERSON AND COUPLE IN NEW YORK STATE: BY AREA OF RESIDENCE, AUTUMN 1970

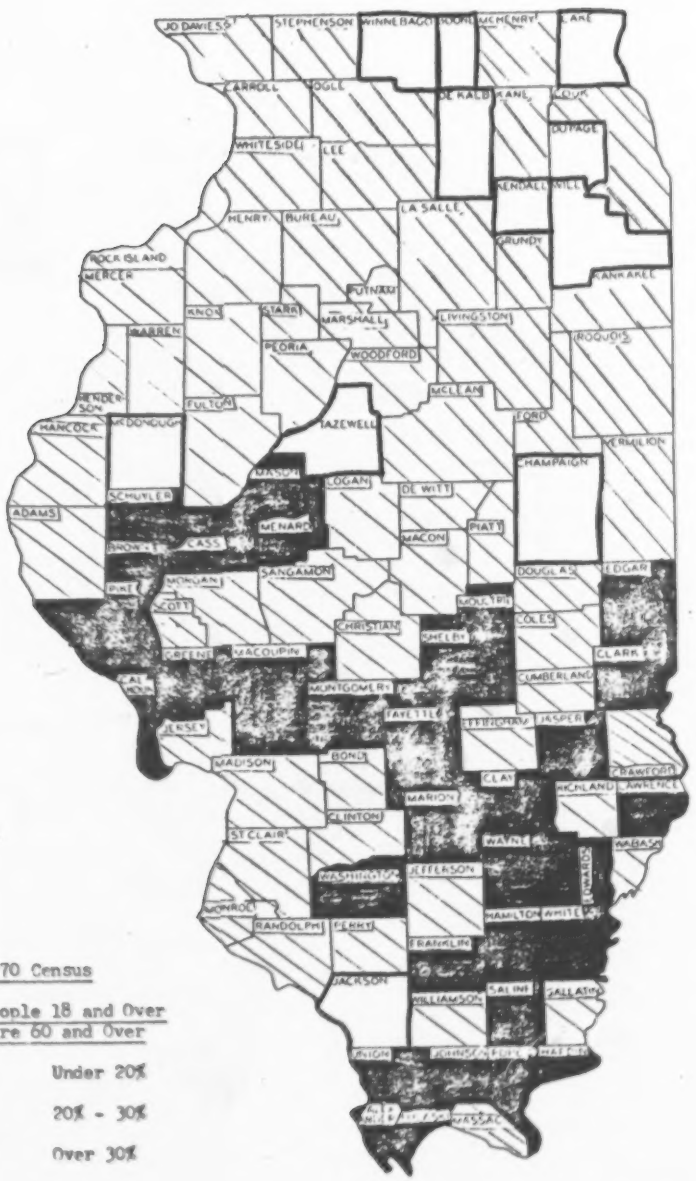
Area	Single person		Couple	
New York City metropolitan	[1] $3,069	(2,609)	$5,580	(4,743)
Buffalo metropolitan	[1] 2,899	(2,464)	5,270	(4,480)
Other metropolitan [2]	[1] 2,865	(2,435)	5,209	(4,428)
Nonmetropolitan areas [2]	[1] 2,589	(2,201)	4,708	(4,002)

[1] These budgets were obtained from the U.S. Department of Labor, Bureau of Labor Statistics. All others were calculated by the New York State Office for the Aging in accordance with the procedures given in "Social Indicators for the Aged," U.S. Department of Health, Education, and Welfare, Social Rehabilitation Service, Administration on Aging, 1971—and include an approximate increase of 14 percent in the rise in the cost of living from spring, 1969.

[2] The figures given for these areas are identical to those for, respectively, other metropolitan and nonmetropolitan areas in the Northeast (Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont). They are "norms" for the Northeast. The Bureau of Labor Statistics does not calculate budgets for these areas for individual States. The individuality for New York State comes from the New York City and Buffalo metropolitan areas. The New York City metropolitan area holds 65 percent of the State's 60 plus and 64 percent of the State's 65 plus population. For the Buffalo metropolitan area the figures are 7 percent of the 60 plus and 7 percent of the 65 plus in New York State.

Note: The figures given in parentheses are for those living in the given area on farms or in towns of less than 2,500 persons.

FROM MRS. ELIZABETH BRECKINRIDGE



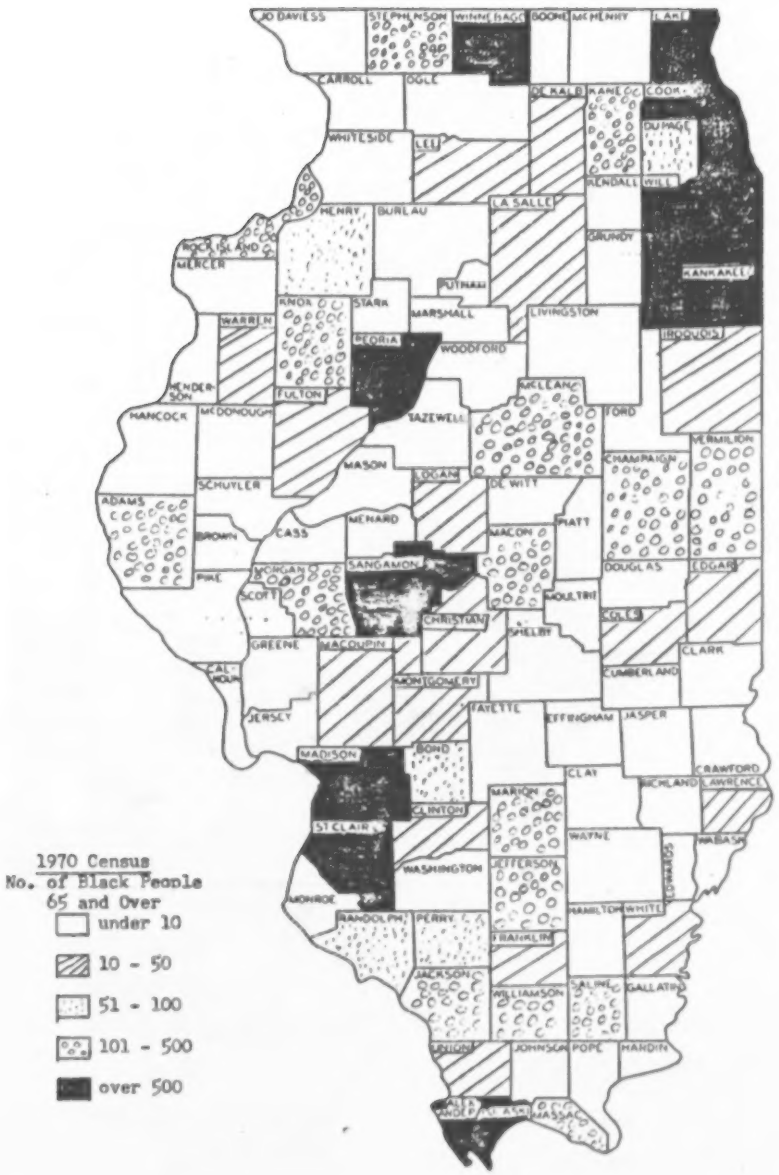
1970 Census

% of People 18 and Over Who Are 60 and Over

Under 20%

20% - 30%

Over 30%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KENDALL
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WOODFORD
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HENDERSON
FULTON
MCLEAN
HANCOCK
MCDONOUGH
TAZEWELL
FORD
MASON
VERMILION
LOGAN
CHAMPAIGN
SCHUYLER
DE WITT
ADAMS
MENARD
PIATT
BROWN
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EDGAR
PIKE
SCOTT
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CHRISTIAN
COLES
GREENE
MACOUPIN
SHELBY
CLARK
CALHOUN
CUMBERLAND
MONTGOMERY
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EFFINGHAM
JASPER
MADISON
BOND
CRAWFORD
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LAWRENCE
MARION
CLINTON
ST CLAIR
WAYNE
WABASH
WASHINGTON
JEFFERSON
EDWARDS
MONROE
HAMILTON
WHITE
RANDOLPH
PERRY
FRANKLIN
JACKSON
WILLIAMSON
SALINE
GALLATIN
UNION
JOHNSON
POPE
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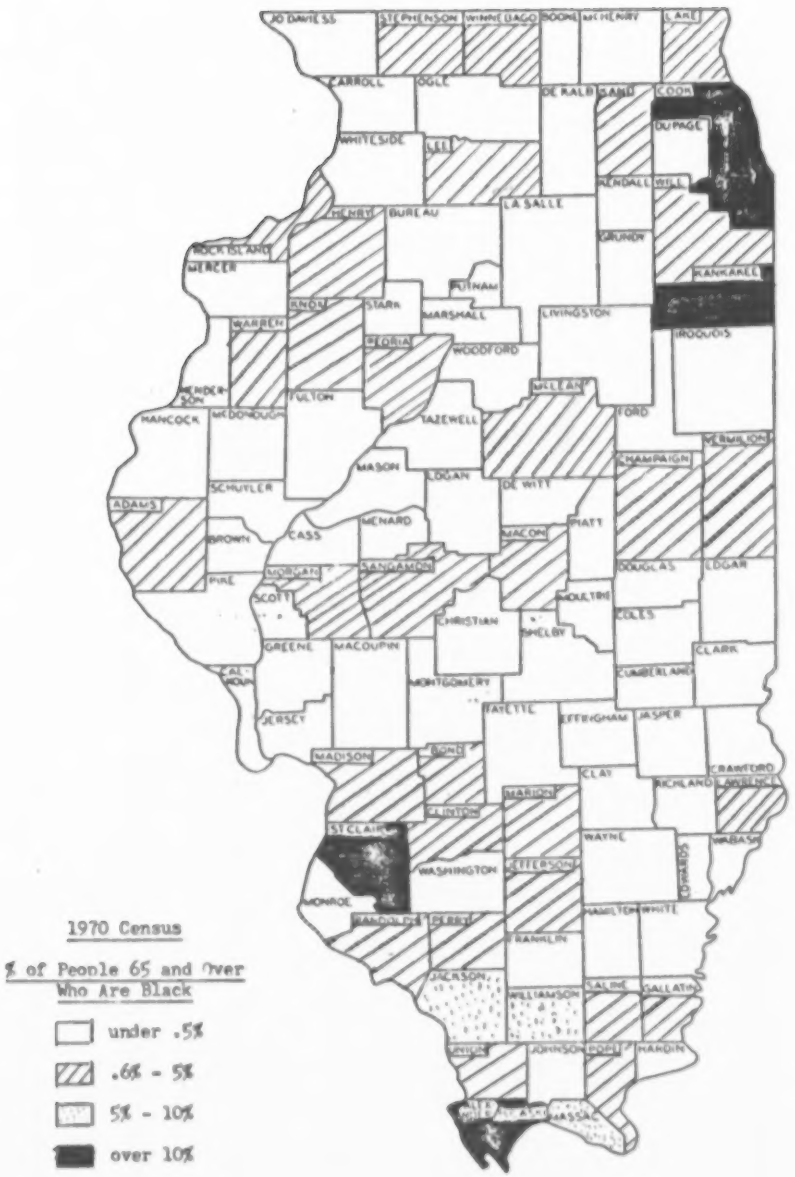
ALEXANDER
MASSAC
1970 Census
No. of Black People
65 and Over
under 10
10 - 50
51 - 100
101 - 500
over 500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PERRY
HAMILTON
WHITE
FRANKLIN
JACKSON
WILLIAMSON
SALINE
GALLATIN
UNION
JOHNSON
POPE
HARDIN
ALEXANDER
MASSAC
1970 Census
% of People 65 and Over Who Are Black
under .5%
.6% - 5%
5% - 10%
over 10%

1970 CENSUS—BLACK PEOPLE 65 AND OVER, BY COUNTY

County	Male	Female	Total	Percent of total
Total			79,668	7.3
Cook	27,507	36,133	63,640	12.3
Downstate			16,028	2.8
Adams	86	76	162	2.5
Alexander	297	314	611	29.1
Bond	29	25	54	2.4
Boone	1	1	2	(1)
Brown	0	0	0	0
Bureau	0	2	2	(1)
Calhoun	0	0	0	0
Carroll	5	4	9	.3
Cass	1	1	2	(1)
Champaign	183	249	432	4.4
Christian	7	12	19	.4
Clark	0	0	0	0
Clay	0	0	0	0
Clinton	16	11	27	.9
Coles	11	11	22	.4
Crawford	0	1	1	(1)
Cumberland	0	0	0	0
De Kalb	16	13	29	.5
De Witt	2	4	6	.2
Douglas	1	4	5	.2
Du Page	24	36	60	.2
Edgar	6	11	17	.5
Edwards	0	0	0	0
Effingham	0	3	3	(1)
Fayette	3	1	4	.1
Ford	2	5	7	.3
Franklin	5	7	12	.2
Fulton	2	11	13	.2
Gallatin	5	3	8	.8
Greene	0	1	1	(1)
Grundy	2	0	2	(1)
Hamilton	0	0	0	0
Hancock	1	1	2	(1)
Hardin	2	2	4	.5
Henderson	0	0	0	0
Henry	24	32	56	.8
Iroquois	5	13	18	.4
Jackson	173	232	405	8.1
Jasper	0	0	0	0
Jefferson	58	76	134	2.9
Jersey	5	4	9	.4
Jo Daviess	2	0	2	(1)
Johnson	1	1	2	.1
Kane	144	204	348	1.6
Kankakee	570	630	1,200	11.3
Kendall	0	0	0	0
Knox	89	125	214	2.5
Lake	337	410	747	3.1
LaSalle	18	21	39	.2
Lawrence	11	22	33	1.1
Lee	17	11	28	.7
Livingston	3	3	6	.1
Logan	5	12	17	.4
Macon	198	259	457	3.4
Macoupin	16	11	27	.4
Madison	540	588	1,128	4.8
Marion	59	95	154	2.6
Marshall	2	0	2	.1
Mason	0	0	0	0
Massac	13	95	158	8.2
McDonough	2	1	3	(1)
McHenry	0	0	0	0
McLean	54	62	116	1.1
Menard	3	2	5	.3
Mercer	0	0	0	0
Monroe	0	0	0	0
Montgomery	6	11	17	.3
Morgan	68	73	141	2.7
Moultrie	1	0	1	(1)
Ogle	1	3	4	(1)
Peoria	317	425	742	3.4
Perry	31	51	82	2.7
Piatt	0	0	0	0
Pike	0	1	1	(1)

See footnotes at end of table.

1970 CENSUS--BLACK PEOPLE 65 AND OVER, BY COUNTY

County	Male	Female	Total	Percent of total
Total			79,668	7.3
Cook	27,507	36,133	63,640	12.3
Downstate			16,028	2.8
Adams	86	76	162	2.5
Alexander	297	314	611	29.1
Bond	29	25	54	2.4
Boone	1	1	2	(1)
Brown	0	0	0	0
Bureau	0	2	2	(1)
Calhoun	0	0	0	0
Carroll	5	4	9	.3
Cass	1	1	2	(1)
Champaign	183	249	432	4.4
Christian	7	12	19	.4
Clark	0	0	0	0
Clay	0	0	0	0
Clinton	16	11	27	.9
Coles	11	11	22	.4
Crawford	0	1	1	(1)
Cumberland	0	0	0	0
De Kalb	16	13	29	.5
De Witt	2	4	6	.2
Douglas	1	4	5	.2
Du Page	24	36	60	.2
Edgar	6	11	17	.5
Edwards	0	0	0	0
Effingham	0	3	3	(1)
Fayette	3	1	4	.1
Ford	2	5	7	.3
Franklin	5	7	12	.2
Fulton	2	11	13	.2
Gallatin	5	3	8	.8
Greene	0	1	1	(1)
Grundy	2	0	2	(1)
Hamilton	0	0	0	0
Hancock	1	1	2	(1)
Hardin	2	2	4	.5
Henderson	0	0	0	0
Henry	24	32	56	.8
Iroquois	5	13	18	.4
Jackson	173	232	405	8.1
Jasper	0	0	0	0
Jefferson	58	76	134	2.9
Jersey	5	4	9	.4
Jo Daviess	2	0	2	(1)
Johnson	1	1	2	.1
Kane	144	204	348	1.6
Kankakee	570	630	1,200	11.3
Kendall	0	0	0	0
Knox	89	125	214	2.5
Lake	337	410	747	3.1
LaSalle	18	21	39	.2
Lawrence	11	22	33	1.1
Lee	17	11	28	.7
Livingston	3	3	6	.1
Logan	5	12	17	.4
Macon	198	259	457	3.4
Macoupin	16	11	27	.4
Madison	540	588	1,128	4.8
Marion	59	95	154	2.6
Marshall	2	0	2	.1
Mason	0	0	0	0
Massac	13	95	158	8.2
McDonough	2	1	3	(1)
McHenry	0	0	0	0
McLean	54	62	116	1.1
Menard	3	2	5	.3
Mercer	0	0	0	0
Monroe	0	0	0	0
Montgomery	6	11	17	.3
Morgan	68	73	141	2.7
Moultrie	1	0	1	(1)
Ogle	1	3	4	(1)
Peoria	317	425	742	3.4
Perry	31	51	82	2.7
Piatt	0	0	0	0
Pike	0	1	1	(1)

See footnotes at end of table.

1970 CENSUS—BLACK PEOPLE 65 AND OVER, BY COUNTY—Continued

County	Male	Female	Total	Percent of total
Pope	2	7	9	1.3
Pulaski	261	283	544	36.4
Putnam	0	0	0	0
Randolph	56	43	49	2.4
Richland	0	1	1	(1)
Rock Island	159	172	351	2.0
Saline	77	79	156	3.3
Sangamon	276	392	668	3.5
Schuyler	0	0	0	0
Scott	0	0	0	0
Shelby	0	0	0	0
Stark	0	0	0	0
St. Clair	2,044	2,365	4,409	17.0
Stephenson	50	66	116	2.0
Tazewell	2	4	6	(1)
Union	15	9	24	.9
Vermilion	213	230	443	3.7
Wabash	0	1	1	(1)
Warren	16	25	41	1.4
Washington	1	1	2	(1)
Wayne	0	0	0	0
White	8	6	14	.5
Whiteside	5	4	9	.1
Will	227	275	502	2.8
Williamson	36	70	106	7.2
Winnebago	238	297	535	2.5
Woodford	0	0	0	0
Total	34,723	44,745	79,468	

[1] Less than 0.1 percent.

FROM EDWARD J. KRAMER

MAY 4, 1972.

DEAR MR. ED KRAMER: We are a group of Senior Citizens who saw your program on the Phil Donahue Show Thurs., May 4, and we did enjoy it.

What you say sure is true. There is always money to send these Astronauts up or spend plenty of money in Vietnam—where we have lost too many men.

Now, we are a group of elderly people that have found the upkeep of a home is getting too much for us to do. Yet we have our own furniture and do want to stay together. Why can't they work faster to get some reasonably priced senior apartments for us. They sure get them put up fast for the young. We all notice that.

We are not asking for charity, just a place to be with folks our own age and not have the chores of grass cutting and changing windows, etc. We know we are not wanted in the neighborhood with younger folks. They show no respect for us at all. They would just as soon shoot us. We know that the young folks are not responsible for our keep; not like we were for our parents. Everything is considered for the young folks—which is not right. If the Lord permits they will get old also.

Another thing that we older folks do not think at all fair is that if you have up to a certain income you are out of the picture for aid. This is money that we folks have worked plenty hard and saved for years. It is our very own and we should not be limited to what we have. This is what we saved for; to enjoy our older years together.

Why can't the Government see it that way? We just get promises and promises that they will do something. We can all be dead by then.

Hope this will give you an idea of what we are trying for. I will sign my name* but don't pass it on as this is meant for several of us. Would like to hear from you.

Thank you.

* Name retained in committee files.

Appendix 2.

MATERIAL FROM OTHER THAN WITNESSES

FROM THE NATIONAL COUNCIL ON THE AGING

THE NATIONAL COUNCIL ON THE AGING, INC.,
Washington, D.C., June 13, 1972.

Hon. GEORGE MCGOVERN,
Chairman, Select Committee on Nutrition and Human Needs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The National Council on the Aging is pleased to have this opportunity to comment on the proposed regulations for Title VII of the Older Americans Act regarding the Nutrition Program for the Elderly. We request that this statement be made a part of the permanent record.

The National Council on the Aging, a private, nonprofit corporation, represents individuals and organizations who are working to achieve a better life for older Americans. We have long been concerned about the nutrition of this population; our concern has been expressed through leadership in the senior center movement, extensive study of home-delivered meals, and several special projects. In one such project, NCOA designed the first program model for providing meals to elderly persons in 1965 on which many of the Administration on Aging's twenty-one demonstration nutrition programs were later based.

Our policies and programs in this field will continue to be directed toward eliminating poverty and the other conditions which contribute to making the elderly the most uniformly malnourished segment of our population. To this end, NCOA would alter several of the proposed nutrition regulations. The changes are listed below with rationale discussed for the major alterations.

§ 909.3 Definitions

(b) "Minority individuals" are those persons who identify themselves as American Indian, Spanish language, Negro, or Oriental.

Add to read: "Minority individuals" are those persons who identify themselves as American Indian, Spanish language, Negro, or Oriental, or who identify themselves as members of racial, religious, or ethnic minority groups.

§ 909.17 Advisory assistance

Add section (d) The Advisory assistance group shall assist the State Agency in planning all aspects of developing and implementing the standards for nutrition projects which shall include carrying out the provisions of planning prior to the initiation of § 909.33.

We are concerned here about the entire planning process for this program. What are the planning elements? What is the time factor? Where does the planning for Title VII end and the planning for the proposed amendments begin?

§ 909.21 Project awards

(d) If the applicant agency is not a public agency, the State agency shall secure comments on the proposed project from the appropriate major unit(s) of local general purpose government.

Elimination of entire section (d) is recommended.

The procedure recommended by HEW could provide a major stumbling block for vocal action-oriented groups in the community, such as Community Action Programs and Black power agencies, and should be eliminated.

§ 909.24 Opportunity for hearing

The State plan shall provide that the State agency will provide that any nutrition project applicant, whose application for approval is denied, will be afforded an opportunity for a hearing before the State agency.

Add second sentence, reading: If satisfaction is not obtained by state hearing, the nutrition project applicant shall be afforded the opportunity for a regional HEW/AoA appeal hearing.

State politics may prove to be an insurmountable obstacle to participation by local groups. The appeals process should be extended to the federal level to insure "fair play" in such cases.

§ 909.31 Standards of Personnel administration

(b) Second sentence now reads: The affirmative action plan will provide for specific action steps and timetables to assure equal employment opportunity.

Add to read: The affirmative action plan will provide for specific action steps and timetables to assure equal employment opportunity for minorities and elderly at least in proportion to their numbers in the State.

§ 909.33 Project councils

(a) Each project shall have a project council. It shall be the responsibility of the council to advise the recipient of a grant or contract on all matters relating to the delivery of nutrition services within the project and to approve all policy decisions related to:

(1) The determination of general menus;
(2) The establishment of suggested fee guidelines;
(3) The hours of operation of the project; and
(4) The decorating and furnishing of the meal setting.

(c) The State agency shall develop formal procedures regarding the tenure of members, responsibilities and operations of the project council prescribed in this section, in keeping with guidelines established by the Social and Rehabilitation Service.

Change (a) and (c) to read:

Governing Council.

(a) Each project shall have a governing council. It shall be the responsibility of the governing council to decide on all matters relating to the delivery of nutrition services and to approve all policy decisions related to:

1. The determination of general menus;
2. The establishment of suggested fee guidelines;
3. The hours of operation of the project;
4. The decorating and furnishing of the meal setting;
5. The development of formal procedures regarding the tenure and responsibilities of members; and
6. The development of personnel practices and policies for staff.

(c) The State agency shall develop formal procedures regarding the composition and operations of the governing council in keeping with guidelines established by HEW/SRS.

The type of structure set up by HEW, similar to the Parents Council in Headstart programs, is not satisfactory; we have found that it does not give consumers the kind of participation and control necessary for a project to meet the real needs of the community. We strongly advocate a governing board structure.

§ 909.34 Selection of congregate meal sites

(b) First sentence now reads: Such congregate meal sites shall be located as close as possible, preferably within walking distance, to these concentrations of older persons.

Add to read: Such congregate meal sites shall be located as close as possible, preferably within walking distance, to these concentrations of older persons, and, where appropriate, transportation shall be furnished to such site.

§ 909.49 Purchase of goods and services

Add section (d) Preference should be given to minority vendors.

We would also like to share our views with regard to two further areas of concern: project size and treatment of Indians. First, the National Council on the Aging would raise serious question with project area size as defined in § 909.3 of the guidelines, especially in terms of city population. What is the Administration's rationale for disallowing project awards for localities with populations of

less than 250,000? Why should the county structure receive the award, instead of the city of 200,000 which falls within it? NCOA is of the belief that two grants should be awarded in this case—one to the county and one to the city—for maximum effectiveness operationally and administratively. Surely a city of this size can meet the minimum standard of 100 meals daily, as outlined by HEW.

Finally, we question the effectiveness of the regulations in dealing with Indian participation in the program. NCOA would recommend, if legally feasible, that monies be earmarked to serve the Indian population and direct federal grants made to the reservations. We are asking, in effect, that they be treated more like a Trust Territory described in § 909.50 for the purposes of this program than a large city or county definied in § 909.3. It seems unrealistic to expect the Navajo Nation, for example, to deal with different state agencies having dissimilar state plans and requirements on such items as matching shares.

The National Council on the Aging stands ready to assist your Committee in implementing these recommendations and to provide any further information you may request.

Sincerely,

JACK OSSOFSKY,
Acting Executive Director.

FROM THE NATIONAL RETIRED TEACHERS ASSOCIATION AND THE AMERICAN ASSOCIATION OF RETIRED PERSONS

STATEMENT OF NRTA-AARP REGARDING THE PROPOSED REGULATIONS FOR ADMINISTERING THE NUTRITION PROGRAM

Our Associations, the National Retired Teachers Association and the American Association of Retired Persons, have come before Congress on various occasions in the past seeking the enactment of this legislation establishing a Nutrition Program for the Elderly. We, therefore, particularly appreciate having this opportunity to comment on the proposed regulations for administering this program.

(1) NRTA and AARP are pleased to note that the proposed regulations do not contain any time limitation on Federal support for individual projects. Our Associations fear that local officials would be unwilling to undertake large-scale projects if they knew that they would have to bear the full cost alone after a few years of Federal support. We favor the concept of a permanent grant program for nutritional projects for the elderly.

(2) We note that under these proposed regulations the Social and Rehabilitative Service is given authority both to issue guidelines for the operation of nutrition programs for the elderly and to adminster grants to the states for these programs. Our Assocations would like to point out our understanding that the law has already vested this authority specifically in the Administration on Aging, which is located within the Social and Rehabilitative Service. The law states that "the Secretary shall administer the program through the Administration on Aging", and it is our impression that issuing guidelines and admnistering grants constitute major elements in the administration of the program. In order to bring the proposed regulations into conformity with the intent of the law, we suggest that the words "Adminjstration on Aging" be substituted in the regulations wherever the words "Social and Rehabilitative Service" now appear.

The American Association of Retired Persons and the National Retired Teachers Association hope that the Administration on Aging will soon be restored to the status originally intended for it by Congress, as a powerful, creative and independent agency within the Department of Health, Education and Welfare. Even without this hoped-for change in status, we feel that the Administration on Aging is best able to coordinate and administer programs for older persons because it is the department most directly concerned with and experienced in the special problems of the elderly.

(3) Our Associations have serious reservations about the concept of "project areas" outlined in the proposed regulations. We feel that this concept might be interpreted as an attempt to move gradually by administrative ruling toward the system of "allied services" which has been proposed by the Administration.

The project area concept would concentrate funds in seven or eight target areas within a state. As a result, groups of elderly persons living outside the designated project areas would not have access to nutritional programs even where there were capable organizations willing to operate projects in the area and a sufficient number of eligible persons to justify a project.

NRTA and AARP would prefer a system under which the states could distribute funds directly to institutions, organizations or governmental units willing to operate local nutrition programs for the elderly. Funds could be dstributed more widely under this system, which would be more suitable to the needs of rural and suburban areas.

Our Associations feel that the states will have difficulty in locating large-scale project area grantees who are both capable of and interested in conducting city-wide or county-wide projects, and that this difficulty may cause delays in implementing the nutritional program. We do, however, agree that nutrition projects should be as cost-efficient as possible without sacrificing any of the basic aims

of the program and we concur in the establishment of a minimum number of meals which must be served by each project. We also agree that since large-scale programs tend to be more cost-efficient, they should be encouraged wherever possible.

Our Associations oppose the "project area" concept because we feel that it interposes an extra and unnecessary layer of administration and bureaucracy into the program. We feel that the administering state agency should be able to coordinate local programs and to control any overlapping of services which may occur.

(4) The American Association of Retired Persons and the National Retired Teachers Association feel that the primary goal of a nutrition program for the elderly is to provide adequate nutrition to those who, for one reason or another, are not receiving proper nourishment. We therefore applaud the stipulation written into the law which limits the percentage of Title VII funds which may be spent on the administration of each state plan. We also agree with the wording of the law which allows the Secretary to make exceptions to this limitation because we feel that this insures flexibility and allows for the accommodation of exceptional circumstances.

However, our Associations feel that the proposed regulations should specify a procedure whereby a state would be required to include a specific request to the Commissioner on Aging in its plan when it wished permission to exceed the allowable percentage. As the administrator of the nutrition program, the Commissioner on Aging would be in the best position to determine the merits of the situation and to make his recommendations to the Secretary.

In addition, NRTA and AARP urge that in those states where Title III funds earmarked for administration are available to the administering agency, less than the allowable 10% of Title VIII funds should be used for administration.

(5) The Nutrition Program for the Elderly is intended for those persons aged 60 and over (and their spouses) who do not eat adequately because:

they cannot afford to do so
they lack the skills to select and prepare nourishing and well-balanced meals
they have limited mobility which may impair their capacity to shop and cook for themselves, or
they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone.

The law provides that "preference shall be given in awarding grants . . . to projects serving primarily low income individuals." Our Associations hope, however, that this will not be interpreted to mean that only the impoverished elderly should be served by this program and that other elderly persons should be excluded. Older persons who are not impoverished may still lack the skills to select and prepare a nourishing and well-balanced meal. They may have limited mobility which may impair their capacity to shop and cook for themselves. They may have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. And many older persons who do not fall under the definition of impoverished with incomes below the poverty level income defined by the Bureau of Census must still manage to live on very limited and restrictive incomes. The Nutrition Program for the Elderly should not concentrate its effort on the 30 percent of the elderly who are disadvantaged to the point of excluding the 70 percent of older Americans who face an equally demanding adjustment to the problems of aging.

(6) Under the proposed regulations (Sec. 909.53) "the Secretary, after giving the State reasonable opportunity to qualify, shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency or political sub-division of such State submitting an approved plan . . ."

Our Associations feel that the wording of this section should be more specific in regard to time. Instead of a "reasonable opportunity to qualify" the regulations should establish a deadline by which state plans must be submitted. This deadline should be no longer than one year and probably could be a great deal less than that.

FROM THE BREAD AND LAW TASK FORCE

Burlington, Vt., June 9, 1972.

Hon. CHARLES PERCY,
Senate Select Committee on Nutrition and Human Needs,
Washington, D.C.

DEAR SENATOR PERCY: The passage of the Title VII amendments to the Older Americans Act is greeted with enthusiasm by those who have been concerned about the growing problem of malnutrition among the elderly, and its impact on the health and happiness of this segment of our community. I am writing you to express our concern that the regulations issued by the Administration on Aging of the Department of Health, Education and Welfare governing these meals services reflect the realities of the special needs of a rural area like Vermont. Our primary concern is that these very important and long-awaitd services can be effectively delivered to those who would benefit most.

As good service will be of no value if the people who need it cannot get to it, it is important to understand the great difficulty with transportation in a rural area like Vermont. More than half of Vermont's elderly live in rural areas, where longer distances must be traversed to reach destinations. While this situation is a problem all year long, it is aggravated in the winter by the severity of weather conditions here. Public transportation in most areas is nonexistent, and inadequate in most areas where it is available. Even in non-rural areas, transportation is one of the greatest hardships to senior citizens in Vermont. An elderly woman testified at a hearing of the Public Service Board last Tuesday evening (on the petition of the Burlington Rapid Transit Company's attempt to discontinue bus service) that she sold the home she had lived in for many years in Winooski (the town bordering Burlington) when she heard the bus company was going to end service; she needed to be close to her foot doctor, and there is no such specialist in Winooski. Only one-fifth to one-third of the elderly in the lower income brackets in Vermont own their own cars; this is a luxury available only to the relatively high-income seniors in the State. In order to enjoy meals services in group settings, participants in Vermont must have help with transportation, if, as the statute declares, priority is to be given to programs serving primarily low income people. We would oppose, therefore, any regulation which limits the amount or percentage of funds that can be applied by local projects for transportation, or other related supportive services.

For the reasons described above, we would also oppose any regulation that would require local projects to serve a specific minimum number of people, or limit the number of different projects that can operate in a county. Such a minimum project size limitation may preclude the development of projects in some areas of the state, either because sufficient facilities are not available in a particular locale, or too large a geographic area must be covered to bring in or deliver meals to the necessary number of participants. To illustrate, in order to find 100 persons over 65 years old in Essex county,* an average of about 100 square miles would have to be covered.

My understanding of the Title VII legislation is unclear as to whether it is the intent of Congress that all participants should be required to pay for their meals, or whether some would receive meals free of charge. It is our hope that

*Essex county has an average population density of 8.2 persons per square mile, and 12.1% of the population of the county is 65 years old or over. Thus, there is an average of one elderly person per square mile in Essex county. Compare this with the District of Columbia, which is 69 sq. miles. 6 of the 15 towns in Essex county have less than 100 persons, and only 4 towns in the county have more than 800 persons. To give another illustration of this problem: The Golden Dining Club operated by the Rockingham Senior Center serves meals in a group setting in the second largest town in a county much more densely populated than Essex county. Still, the bus operated by the project logs over 100 miles a day to bring in about 60 participants. It is very likely that any regulation that sets a minimum project size around 100 persons would limit the development of Title VII projects to the half-dozen largest towns in the state, and would not reach the people who are most isolated and have the most need for regular nutritious meals.

the regulations issued will be flexible enough to permit the Vermont Office on Aging to develop a policy of providing free meals to the participants with low incomes. If the federal regulations address themselves to the question of eligibility for free meals, we would oppose the eligibility level to be limited by the OEO poverty guidelines. We feel strongly that these guidelines are a very inaccurate reflection of peoples' true budgetary needs, and would serve to exclude many needy persons from benefits that such meals programs provide. Furthermore, if the federal regulations are going to deal specifically with fees paid for low-income participants, we would strongly suggest that 35 cents per meal be the maximum low-income people would be required to pay. The current AABD food budget allows for less than 28 cents per meal per person. Since the per capita income for Vermonters 65 years old and older was $1800 a year in 1970, and since the Bureau of Labor Statistics has recently estimated that the typical elderly couple spends 30% of their income on food, this means that the average older person in Vermont has about 20 cents available per person per meal. A required fee higher than 35 cents may make participation impossible by those who would benefit most from Title VII programs. (Of course, programs should be permitted to change considerably less than the maximum and to provide meals free of charge in some cases.)

Finally, we would like to caution against the development of excessive requirements on administrative accountability from the local projects to the state agency, and from the state agency to Washington. While we agree that a successful project must have measurable objectives based on identified needs, we must not lose sight of the fact that the long-identified need is that too many older Americans are suffering from malnutrition and isolation, and that our primary objective should be to deliver services in a way that will upgrade the nutritional status of the elderly and at the same time preserve their dignity. Too often service programs are accompanied by bureaucratic requirements that crowd out the original purpose of the programs—ot deliver services to the people. Every hour spent filing reports is an hour taken away from delivering services. Planning and evaluation activities should be structured in such a way to be of direct benefit to the local projects in their own self-evaluation, and not to be primarily a source of data for desks hundreds of miles away.

I am enclosing a report* recently distributed by our office throughout the state to alert the public about the nutritional problems of the elderly in Vermont. We appreciate your aggressive concern about this problem. The passage of Title VII is a reason to be optimistic that something can be done to make the lives of our older neighbors more liveable.

Respectfully submitted,

DAVID GOLDBERG.

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*Retained in committee files.

FROM THE FOOD RESEARCH AND ACTION CENTER

JUNE 9, 1972.

To Individuals and Groups Concerned with the New Nutrition Program for the Elderly.

From Sallie Ruhnka, Food Research and Action Center, 401 West 117th St., New York, New York 10027.

Vickie Spiegel, Crusade Against Hunger, National Council of Churches, 475 Riverside Drive, New York, New York 10027.

Re Proposed Regulations for Nutrition Program for the Elderly (Title VII, Older Americans Act) Comments Due June 26, Administrator, Social and Rehabilitation Service, HEW, 330 Independence Ave., S.W., Washington, D.C. 20201.

As you probably know, the President recently signed into law the new Nutrition Program for the Elderly (P.L. 92–258) providing $100 million in FY 73, and $150 million in FY 74 for a program that would help combat such prevalent concerns of the Elderly as malnutrition, loneliness and isolation. The Administration on Aging of the United States Department of Health, Education and Welfare has been charged with the administration of the new program. AOA plans to issue *final* regulations for the Nutrition Program on July 1.

On June 6, the Administration on Aging published the *Proposed* regulations in the Federal register, making the regulations available to groups and individuals throughout the country for comment and criticism. A copy of the proposed regulations is attached for your study. We urge that you examine the regulations carefully and that you submit your comments to the Administration on Aging either as an individual or as a spokesman for your organization—or both.

For your assistance we are also enclosing:

(1) An analysis of the key issues prescribed in the regulations; and

(2) Our comments and criticisms of the proposed regulations.

Please feel free to use any of this material as the basis for preparing your comments and recommendations.

If you would like your organization to be listed with ours in the comments we submit to the Administration on Aging, please call Sallie Ruhnka at 212–666–3004, collect.

We have only 15 working days in which to respond to the Proposed Regulations. We urge you to submit your comments as soon as possible. It is important that the Administration on Aging hear from as many potential program participants and concerned organizations as soon as possible before June 26. Pressure on the Administration on Aging extended the original comment period by 5 days—so perhaps we can hope to influence them to improve the content of the regulations as well.

SUGGESTIONS FOR COMMENTS

PROPOSED REGULATIONS FOR THE NUTRITION PROGRAM FOR THE ELDERLY

909.3 Definitions

(a) The SRS definition in this section fails to give clear priority on the basis of need to those individuals with low income. The omission of a priority for elderly with low income is even more critical when SRS uses the § 909.3(a) definition in § 909.19 for the purposes of identifying target groups to be served. Consequently, the project areas to be selected for awards (§ 909.20) and the selection of meal sites (§ 909.34) by those project areas are subject only to the very broad definition contained in this section.

It should be made clearer in this section that first priority in the Nutrition Program shall be given to those areas containing at least 75% of elderly individuals with the greatest need. Greatest need is to be defined as having a low

income below the current BLS urban low metropolitan budget for a elderly single or elderly couple. This income information is easily available from sources at the federal, state, and city or county levels, welfare, health, and Model City agencies.

Therefore, this definition of most needy individuals would determine eligible project areas and local site locations but would not be used to determine eligibility of individuals at the local site level.

(c) The main objection with this section is that it requires grants to go to county areas or cities thereby requiring super agencies to be developed and political subdivisions to be given priority. The immensity of the project area required by this regulation will allow money to be diffused at the project area level rather than being directed at specific areas of the greatest need. In addition, local site program planning and actual consumer participation would cease to be effective in such a large program.

We submit that the term "project area" should be replaced by the term "target areas". Target areas would be defined as those areas with the largest concentration of the most needy elderly. The target areas would then vary in size according to the density of low income elderly population. The concept of target area will assure that both the neediest individuals have first priority even if they live in a town smaller than 250,000, and that consumer participation will be effective. In accordance with the act, public and non-profit organizations within that target area would receive funds to administer one or more sites within the area.

909.16 Staffing

Under the provisions for staffing at the State level, the regulations should specify that preference at the State level also be given to persons over the age of 60. There is no reason that the policy decisions at the State level for a program for Seniors cannot be decided by competent and qualified Seniors.

909.17 Advisory Assistance

It is not clear in the regulations who, specifically, will give advisory assistance, what is the meaning of "advisory assistance" and whether any assistance given is binding on the State Agency. The obscurity of this term indicates that the provision is solely an effort at token senior participation at the State level to compensate for the lack of consumer participation at the more important local and area levels.

We recommend Governing Boards at the local and area levels with separate but significant powers [see 909.33(a)+(b)].

909.19 Identification of target groups to be served

(a) This SRS provision totally fails to specifically require that the definition of target groups i.e. areas be based on need [see 909.3(a) our regulations, for definition of need.]

The majority of elderly in the nation meet one of the criteria set forth in § 909.1 and the use of this section would allow the State to fund most any group of elderly citizens.

Moreover, the SRS regulations by permitting—in § 909.3(c)—the project area to be all encompassing (full county or full city), will allow the requirement that target groups be selected to be misleading. This will mean that a State could designate a county containing a substantial number of poor minority, as a project area. But since the target area is the entire county, the program could be established for the white majority in the county who may not be poor but will probably fit one of the broad criteria listed in 909.1. This administrative scheme for identifying target groups will allow the minority group to be the basis upon which the grant was made but there is no guarantee that the minority group individuals should be actual participants.

We submit that target areas be designated as those areas in which 75% or more of the elderly population have an income lower than the BLS low budget standard.

(b) This section asks that the State Plan project areas serve primarily those individuals with greatest need. Nowhere does it specify a definition for "greatest need". The only readily accessible and most reliable data to indicate "greatest need" is income-related. In addition, the word *primarily* in reference to individuals with greatest need is vague and could mean a variety of percentages—we submit that it must mean that 75% of the elderly in the target area are low income (BLS standard).

If the "project area" definition is maintained, the State Plan should require that each project applicant list those areas within its boundaries which qualify as target areas (areas with 75% or more elderly living below the BLS low budget standard). The State will then fund the neediest of those target areas of each project area applicant that it approves.

If our definition of "target area" is adopted, then those neediest target areas will get funds directly from the State without having to go through an additional bureaucratic structure, i.e. the "project area". Within this target area there would be one or more sites which could, if feasible, be coordinated by a non-profit public or private organization within that target area.

909.20 Selection of areas for project awards

(a) The regulations do not specify any percentage requirements for the project area that "will include major concentrations" of persons with low income. The following questions occur: (1) What is a major concentration—how many people?, how large an area?, (2) How many major concentrations of low income elderly should there be within a project area—2 or 32? The SRS definition of project area requires such a large area that most any county or city over 250,000 in the U.S. would qualify for a grant since most do contain some (how many) major (how many individuals) areas of concentration of low income individuals.

If the SRS project area definition is maintained, the State Plan should require that project areas receive *only enough* money to fund nutrition sites in those highest priority areas of major concentrations of low income elderly. Major concentration area of low income elderly is to be defined as that area containing 75% or more elderly living below the BLS standard. This will prevent a project area from funding areas without "greatest need" in addition to areas of major concentration.

If our target area definition is used [909.19(a)], we submit that the target area should have at least 75% of its elderly living at or below the BLS standard. The site should be located in close proximity to the majority of low income participants.

(b) This section clearly fails to provide a priority for minority participants. We submit that minority groups should be given priority and *preference* by the State in the granting of awards in accordance with the legislation (Sec. 705 (a)(4)).

To give preferential treatment, the State is obligated to make certain that minority participation is considerably higher than the percentage of minority elderly in the State. The regulation should read as follows:

(1) On a statewide basis, the program must serve at least twice as many minority elderly as the percentage of elderly persons in the State.

(2) If the SRS definition of project area is maintained [909.3(c)], the each project area (county or city) must serve at least twice as many minority elderly as the percentage of minority elderly that reside in the project area.

909.21 Project Awards

(a) The provision that political subdivisions will receive a major grant to service an entire county or city will inevitably lead to an impersonal political program whose administration and objectives will be reshaped every four years not by the participants but by the majors and county councilmen. We submit that political subdivisions be given lowest priority by the States when awarding grants.

(b) Clearly, if project areas are to be so massive in scope and size, it will be almost impossible for the State agency to make awards to "projects" operated by minority individuals that are able to serve such massive areas. Inevitably, the grantee of such a large project area will be a political subdivision or public or non-profit organization controlled by majority interests.

Since it is necessary, at this time, to work within the SRS "project area" definition, we submit that contracts and awards be granted to twice as many minority operators within the State as the percentage of minority elderly in the State; on a local level, awards and contracts should be made so that, at a minimum, twice as many minority operators in the local site areas receive contracts as the percentage of minority elderly in that area.

The provision, "to the extent feasible", is vague and ineffectual. This allows the States to exert very minor effort to involve programs or potential local sites managed by minority individuals. There should be strict provision for

active outreach to all minority group organizations in project major concentration areas. AOA (SRS) should require documentation of this effort i.e. how many and what groups were contacted and what assistance was afforded to them.

A strong outreach requirement at both State and project area levels would encourage groups of minority and elderly individuals to apply as project area or site administrators.

(c) Again, such a large project area with a grant to one agency eliminates the idea of consumer participation and control (refer to our criticism and suggestions in [909.3(c)]).

(d) This provision is at best meaningless and at worst, infringes on the independence of the grantee. The requirement that the State Agency shall secure comments on the proposed project from local government units effectively puts the private agencies at the political mercy of the local government units. The adverse effects of this provision for an agency at conflict with the political heirarchy of city or county are obvious. We submit that this entire section be eliminated.

(e) The requirement that each project must serve an average of at least 100 meals daily throughout the project area could be too restrictive if the project is serving a poor rural area and its facilities are inadequate to serve as many as required.

AOA should provide a timetable for projects indicating at what point they should have achieved their goal of 100.

909.22 Strengthening of Existing Programs.

If the funds for the nutrition program are to be directed to target areas and low income elderly, the issue of strengthening existing programs should be secondary.

If existing programs are in areas of greatest need (target areas) as determined by data available to the State from census, health, welfare etc., the supplemental funds received from Title VII should increase the number of low income elderly participants in proportion to the amount of funds received.

909.24 Opportunity for a hearing

The opportunity for a hearing should be extended to the local project site applicants as well as to the area nutrition project applicants. The fair hearing should be held before an impartial referee of the State. Such referee shall not have had any involvement in the initial rejection decision.

If satisfaction is not obtained by a state hearing, the nutrition project applicant should be afforded the opportunity for a regional HEW/AOA appeal hearing.

909.25 Public Information

Public Information should be directed at and emphasized for groups within target areas of low-income elderly which would be able to provide sites for the nutrition program. The State should provide in their plan of operation the manner in which they will extend assistance to projects for low income elderly i.e. providing actual personnel and services to the project to prepare them for funding.

States having portions of Indian reservations within their boundaries shall provide additional outreach services and technical assistance to this most seriously malnourished of the country's population.

The following information in addition to program publicity must be available upon demand at State, county and city levels:

1. State Plan of Operation
2. Grant Application
3. Subcontracts with individual sites
4. Reports to the Secretary as required in 909.27
5. Competitive bidding proposals as required in 909.45(c).

909.26 State Administrative Costs

We find excessive the 10% of Federal funds allowed to State Administrative costs. The administrative resources should be a combination of 5% or less of nutrition funds and Title III administrative funds. Certainly, there should be no provision for allowing administrative expenditures to exceed 10%—this clearly contradicts the legislation.

909.31 Standards of Personnel Administration

(b) There is no reason other than for stalling purposes, that an action plan including a timetable for equal employment opportunities must be developed. Equal employment opportunities should be provided immediately. Moreover, in keeping with the legislation, explicit provisions in the State Plan shall be made for preference to minorities for hiring by project area.

(c) Although the Secretary has no authority with respect to selection, tenure of office or compensation of any individual employed, there must be an explicit requirement that all nutrition program hiring be subject to the federal minimum wage.

909.32 Staffing of Projects

This provision neglects to provide for preference to be given to staff directors from minority groups. Minority individual applications for staff director positions should be given preference.

The regulations should emphasize that preference to persons 60 or over should be given in the hiring for all staff positions—including the position of project director.

909.33 Project Councils

If the nutrition program is to be for Seniors, run by Seniors, this section is unacceptable. It does not provide a method of choosing council members; it does not allow for representation by elderly in local site activities; it fails to provide the Council with any powers that will truly affect important aspects of the program. To remedy these deficiencies, the regulation should provide the following:

1. There should be one governing board for each project area, and a governing board at each local site within the project area.

2. Participants in the local sites should be able to choose, through an electoral process, which of their fellow participants should be members of the area wide project, and which of their fellow members within the local site should be members of the local governing board.

The local site council should be made up of nine persons: 7 participants, one outreach worker, and one person competent in the field of service in which the nutrition program is provided. All of these council members should be elected after nomination by participants in the program. These elections should be held within two months of the beginning of site operations, and annually thereafter.

Area council governing boards should consist of one participant from each local site and non-participant person(s) competent in the field of service in which the nutrition program is provided and persons knowledgeable with regard to the needs of the elderly person. Non-participant members of the Council should number no more than ¼ the number of participants on the Council. The Project Council should be elected annually. During the first year of operation only, the ¼ non-participant members of the Project Council should be appointed by the area grant director. Thereafter, all participants in the project area should elect these members.

3. The local site governing boards should have the following powers:

a. To establish within their local site a low flat fee to be no more than 30% of raw food costs. (See 909.406)

b. To establish measurable program objectives for local site nutrition services and social activities, and to monitor, on a regular basis, the sites' progress towards these objectives (909.44),

c. To cooperate and assist in efforts to evaluate the effectiveness, feasibility and cost of the local site program. (909.45)

d. To decide upon the best methods of outreach for its prospective participants and conduct ongoing public information activities specifically designed to inform target group individuals in the site area (909.46)

e. To direct the local site director as to the following: the particular dietary needs arising from health requirements, and ethnic backgrounds of elderly individuals in the project and to decide on over-all menus; how many meals it would want site to serve above required 5 meals a week—on the basis of the need the participants recognized for such service.

f. To determine which method of food preparation shall be used in the local site, and to enter into agreements with profit-making organizations to implement these decisions.

g. To hire and fire local site directors.

4. The Governing Board of the Area Council shall have the following responsibilities:

a. To advise local site councils as to available methods of outreach, food preparation and service, and social services.

b. To advise on expansion of services, sites, and selection of additional sites in newly funded target areas.

c. To serve as a resource and coordinating body for the local sites scattered throughout the target area.

d. To purchase food and other services in bulk so as to reduce wholesale costs for each individual site.

participants should be members of the area wide project, and which of their fellow members within the local site should be members of the local governing board.

909.34 Selection of congregate meal sites

(a) The State Plan does not provide that project areas be chosen containing especially needy elderly. It asks only that those areas within the project area (this could mean one local area or 30 local areas) having major concentrations (what is major?) of older persons with low incomes should have a site located in that area for serving meals.

This could mean that a wealthy county could receive a grant for an agency within the count even though the county may have only two major (2) areas of concentration.

We suggest that the State Plan ask the project area applicant to identify target areas within its boundaries (major concentration areas), list them in terms of decreasing order of needy, indicating the percentage of low income elderly in each target area, and give funds to those areas containing 75% or more elderly below the BLS standard. The State shall give funding to as many sites in those target areas as are needed to feed those 75% or more elderly in that area.

An area of major concentration within a project area, should be defined as an area containing 75% or more low income elderly (BLS Standard).

(c) We suggest that the provision contained in this section may prevent appropriate and agreeable settings from participating as local sites in the program. We suggest that a site have six months to comply with specific standards require at the Federal, Local and State levels. This will enable the elderly themselves to take part in the designing and fashioning of their site—as provided in the regulations as a duty for an area council (see section 909.33).

909.35 Identification of persons to be served

We submit that the State Office on Aging should aid the local project in the task of identifying the total numbers of target group individuals in a project area and the location of such individuals. Target group individuals should be defined as those with low incomes as defined by the BLS Standard.

The State assistance should be in the form of data already compiled by the agency and personnel trained to do population surveys.

909.36 Nutrition Requirements

(a) Again, the local board should have the opportunity to make and follow through on the decision to serve more than the required five meals a week to participants. [See 909.33(3)(F)]. They would make the decision on the basis of their evaluation of the need for such service. The State should provide additional funds to those needy target area sites within the project area that make such a decision.

(c) Special menus should also be the prerogative of the local site council [See 909.33(3)(f)]. This would eliminate the obvious laxity allowed by the "where feasible and appropriate" language. Again, the regulations are enabling the large super agency to be excused for exerting as little effort as possible to provide participants with guarantees that their needs take priority over the needs of the super agency administration.

909.37 Home Delivered Meals

The SRS regulations, again, do not qualify the phrase, "where necessary" thereby allowing States and super agencies to determine whether or not they want to involve themselves in the additional administration of homebound meals. The regulation should require that potential and past participants should be

provided homebound meals to sustain them until they are able to join in or return to the congregate meal site.

909.46 Charges to Recipients for costs of meals

(b) The establishment of a suggested fee schedule serves no purpose other than to burden the elderly with undue expectations and pressure, leading to confusion. We propose that a flat fee be established low enough so that most people who earn over the BLS standard will be able to pay. This fee will be determined by the governing board of the local site to be no more than 30% of raw food costs—it could be less. [See 909.33(3)(a)].

All participants should be informed of the right to a free meal in the event they cannot pay. No person earning less than the BLS should be influenced or pressured in any way to pay for meals or services.

Special Indian Provisions

The following are a list of suggested recommendations to ensure that elderly Indians on reservations receive the full benefit of the Nutrition Program to which they are entitled:

1. Each state plan should include:

a. the total number of eligible elderly in the State

b. the number of Indian elderly in the State.

2. Each state should reserve on behalf of Indians a portion of funds that is *at least* proportional to their numbers when compared with all the eligible individuals in the State.

3. The State should reserve these funds specifically for Indians for a period of at least nine months so that tribes, inter-tribal councils, and reservations are able to have full opportunity to organize these projects. If after nine months, the money is not used, it should be returned to the general state fund.

4. The State should list specific steps it will take to make certain those Indian groups who would be interested in the project hear about the money and are helped in applying for funds.

5. The 10% matching fund from local sources shall include funds received by Indian tribes by contract with the Bureau of Indian Affairs.

6. States should be able to make grants to the central tribe authority outside their State boundaries on behalf of the Indian elderly living within the State boundary.

FROM THE CRUSADE AGAINST HUNGER

New York, N.Y., June 1972.

REGARDING NATIONAL NUTRITION PROGRAM FOR THE ELDERLY

THE PROPOSED REGULATIONS: AN OVERVIEW FOR THE USE OF CONCERNED GROUPS

The Notice of Proposed Rule Making for the Nutrition Program for the Elderly was published on June 6, 1972, by the Social and Rehabilitation Service (SRS) of the Department of Health, Education and Welfare. They do very little to enhance or interpret the recent legislation which created the program (Public Law 92–258, Title VII of the Older Americans Act). In fact, only about 25% of the language in the proposed regulations is original; the balance was taken—with little embellishment—from the statute itself.

One must infer that the vagueness of these proposals means that SRS may plan to be more specific in the guidelines which it will issue subsequently to state agencies in helping them to develop a state plan of operation for the program. These guidelines would not have to be published in the Federal Register and, therefore, would not be as readily accessible to the public for comment or criticism as these regulations are, for example.

In addition to the vagueness of the language of these proposals, they also show some glaring omissions. Most notably, there is no mention anywhere of the Administration on Aging, that agency of SRS which the statute specifically designated to administer the new program. The regulations were issued by SRS and give states accountability to SRS. This may indicate that what Congress giveth, the Administration (through top HEW and SRS officials) may take away.

The proposed regulations also add something to the Nutrition Program that was not in the statute: the creation of a new level of program administration. These project areas, to exist between the State agency and the program sites themselves, would have the major responsibility for the Program's implementation.

This summary or overview of the proposed regulations was written to help concerned groups and individuals read through them. At times it was impossible to avoid some editorial comment. Its main emphasis is on the new material supplied by SRS in the regulations; these sections are marked *.

909.1 This section, in describing the *purposes of the program*, states four main reasons why older people are malnourished and need such services.

909.3 *Definitions* of some of the key terms in the regulations:

(a) "*Eligible individuals*" are those persons over 60 who cannot afford to eat adequately or are unable to prepare their own meals because of limited mobility or lack of motivation;

(b) "*Minority individuals*"—a reasonable attempt at identifying the intent of the statute which stated that "to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian and limited English-speaking eligible individuals in proportion to their numbers in the state." (P.L. 92–258, Sec. 705 (a)4.)

*(c) "*Project area*" is not derived from the statute, which speaks only of a "project site" to be furnished by the recipient of a grant disbursed by the appropriate state agency. (P.L. 92–258, Sec's. 705 and 706.) The setting of criteria for the size of this project area—that which says it "may not be less in area than . . . a population of at least 250,000" seems an arbitrary choice, with no basis in Title VII, or in reality. It disqualifies any smaller city from being a separate project area. By keeping project areas large, the administration of each project is kept more remote from its consumers.

(d) "*State agency*" according to Title VII, is "the sole agency for administering or supervising the administration of the (state) plan for this program. It emphasizes that this be a "*single* State agency."

Please note: There is no definition of *low-income*, although first priority is given to those "who cannot afford to eat adequately."

909.4–909.15 Is information about the purpose, development and procedures relating to the *State Plan* for Title VII.

*909.16 The two statements on *staffing* of the state administrative level are rather vague. There is no spelling out of what their functions should be, to whom they are accountable, and what their responsibilities are towards "project areas" and actual "project sites."

*909.17 "*Advisory assistance*" is also so unspecific as to be virtually meaningless; it seems to leave a fuller description to either the guidelines or the State Plan itself. It does call for some involvement by consumers and experts without stating the reason, degree of involvement or accountability. The only requirement: That it "be functional prior to the approval by the State agency of awards under this Part." For example, would they have a say in granting of awards? Should be spelled out. As it stands, it sounds like maximum feasible tokenism

909.18 *Coordination* with other agencies, both governmental and private, is a major goal of AoA programs since their own resources are so limited.

*909.19 Vagueness again indescribing the *identification of target groups to be served*. No criteria are established or priorities set other than those in 909.1. It is left to the State Plan to provide "assurances" that those with the greatest need will be served. There is no mention of low-income persons as a target group, although they are stressed in the statute.

*909.20 In this section on *selection of areas*, no definition is given of "major" concentrations of eligible participants. Does "major" mean more than 50%?

The "poverty threshold" referred to is currently $2,348 annual income for a couple and $1,861 for a single adult. This is based not on the actual cost of living needs of older adults but on an emergency food budget established by the U.S. Department of Agriculture (for short term use) arbitrarily multiplied by three.

(b) The selection of project areas is to be based in part on the minority group population of the area "at least in proportion to their numbers of the eligible individuals in the state."

909.21 (a) *Project* awards may be in cash or kind from state agencies. Unfortunately they have not bothered to clarify what "in kind" grants could be. The vagueness might permit states to reduce the amount of awards by giving more "in kind."

*(b) The Regulations encourage the States "to the extent feasible" to make awards to "*projects . . . operated by minority individuals*," while the legislation is far more specific: "preference shall be given in awarding primarily low-income individuals and (states shall) provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian and limited English-speaking eligible individuals in proportion to their numbers in the State." The Regulations seem to either not be able to differentiate between "low-income" and "minority" or to forget the former altogether.

*(c) The same problems which applied in discussing the definition of "project area" 909.3 (c) apply here, but compounded. There is no directive in the law itself calling for a "*single recipient*" of an award" for the entire project area" as the Regulations state. The only exception which the Regulations do allow is in cities over 250,000 population, and then only with the approval of SRS. This means that in "project areas" only one grantee will be recognized, which then may award subcontracted to administer individual local nutrition sites within the project area." The Regulation are not more explicit about whether grants can only be awarded to a single agency or group or whether a number of groups may join together to form a project.

*(d) To require that *non-public agencies* applying for project grants *be reviewed* by "the appropriate major unit (s) of local general purpose government" adds an additional restriction on the awarding of grants. It also fails to explain for what purpose or in what form "the State agency shall secure comments"; there is no indication whether this is done as a courtesy or whether it has some bearing on how the grants are awarded. A time limit might be set so that this does not delay implementation.

*(e) It seems almost arbitrary and unnecessary restrictive to require that *at least 100 meals be served daily* in a project area. This may not be possible in some remote rural areas for example, while other project areas in densely populated urban areas may have the capacity and the need to serve many more

than 100. Note that the language says "an average of at least 100" which would seem to allow for some fluctuations above or below that figure. It also is stipulated for project areas, meaning that individual sites within those projects may serve fewer meals, as long as cumulatively the sites serve about 100.

*909.22 This section seems directed at bolstering or assuring the continued existence of *present nutrition programs* around the country which conform to the standards of Title VII. A full year is allowed for those remaining projects of the original thirty-two funded for research and demonstration purposes under Title IV of the Older Americans Act in 1968 to meet the standards of Title VII. This holds true for any existing nutrition programs for the elderly.

*909.23 SRS *requires annual state operating plans.*

*909.24 Project applicants that are turned down may *appeal for a hearing* back to the state agency. This needs amplification; unless specified as such, the hearing might easily not be impartial, with applicants appealing to the same agency that rejected their proposals initially. Unfortunately, there is a jurisdictional problem here which prevents these applicants from appealing to a Federal agency.

909.25 Calling for a *public information* program in such broad terms is meaningless. The State agency must be mandated to advertise this new program and its benefits not just "throughout the state" but clearly directing it at target groups, using other languages where indicated.

909.26 Up to 10% of the State's allotment under Title VII every fiscal year is to be used for *administrative costs* of the program. A state may make an exception to this limit only with the prior approval of the Secretary of HEW.

909.27–909.28 These are internal regulations of SRS relating to the filing of *reports* and for *fiscal control* and *accounting* by state agencies and projects.

*909.29 Ongoing statewide *evaluations* of the nutrition program are mandated, including quarterly on-site reports of each project. These are to be directed particularly at gauging "the impact of the nutrition program on the target group."

909.30 *Methods of administration* are left to the State plan to delineate.

909.31 *Standards of personnel administration* are to follow U.S. Civil Service and other federal and state guidelines.

*909.32 (a) In describing regulations for the staffing of projects, SRS has noted—from Title VII—that "preference must be given to persons aged sixty or over." But, while it is commendable that the regulations also state that "project staff must be . . . representative of the minority individuals participating," the qualifier "to the extent feasible" is too unspecific. (b) Following Title VII, SRS calls on each project to "encourage the voluntary participation" of students and others.

*909.33 *Project councils* are not actually mentioned in Title VII and are an important addition of the Regulations.

(a) Their responsibilities are described as advising on "all matters relating to the delivery of nutrition services within the project and to approve all policy decisions related to . . . menus . . . fee guidelines . . . hours of operation . . . decorating and furnishing." There needs to be some clarification of the relationship between this Council and the "recipient of a grant or contract" which it is to advise. Is this latter a staff person? a public official? a board of directors? an agency executive? (See 909.21)

(b) The exact *membership* of the Council is left vague. "More than one-half . . . shall be actual consumers of the nutrition services." These are to be "representative of each major congregate meal site," but this is undefined. If a project area has, for example, twenty sites, each serving between 10 and 50, which are the "major" ones? Why shouldn't all the sites be represented? How many representatives from each site? What should the total size be? And how many "other members of the Council" (including, according to these proposed regulations, "persons competent in the field of service in which the nutrition program is being provided" and those familiar with "the needs of elderly persons") should there be?

(c) Each state agency is given the task of developing the "formal procedures" regarding these Councils; this will mean that there will be no national uniformity.

*909.34 (a) The *selection of congregate meal sites* is to be based on the "major concentrations of older persons" of low-income in these areas. The adjective "major" is used again without definition—what proportion of a population does it refer to? This was the same problem in 909.20. The income standard used (Department of Commerce, Bureau of the Census—$1,861 annually at present for a

single older adult) is the same as that in 909.20. This is an extremely low poverty threshold.

(b) *Sites should be located within* walking distance of most of the people in the target area. This must refer only to the more urbanized communities. No mention is made of finding sites in rural areas; nor is transportation more than briefly referred to in 909.38. Sites may be "schools, churches, senior centers and other appropriate facilities."

(c) This assures that the atmosphere of sites is "pleasant" and that they are "conducive to expanding the project and for providing necessary and related social services."

*909.35. It is mandated that each project must *identify:* "total numbers of target group eligible individuals . . . general locations of concentrations . . . and the nutrition and related social service needs of such individuals." But there is no provision for this type of staffing in 909.32, nor is there any clear reason why this type of research must be done by the project itself. As now written, these activities—although important—would have to be financed out of nutrition funds while they probably should be paid for out of the administrative funds at the state level. State agencies probably have done most of this research already.

909.36 (a) The *nutrition requirements* are that each *site* must serve "at least one hot meal per day, five or more days a week . . ." This language differs slightly from the statute which gave the same responsibility to each *project.*

(b) Each meal is to "contain at least one-third of the current daily recommended dietary allowance as established by the Food and Nutrition Board of the National Academy of Science—National Research Council.

909.37 The proposed regulations for *home delivered meals* are no more specific than Title VII itself. They state that projects will deliver meals "where necessary to meet the needs of target group eligible individuals who are homebound." Does this mean those project participants who are taken ill? Or does it mean some participants may be those permanently confined to their homes by disability or feebleness? Can a project refuse to provide this service, and, if so, can an otherwise "eligible" individual appeal this decision? Some more specific guidelines would be important here.

909.38. This section delineates which *supporting social services* are to be provided by the project "to the extent that such services are needed and are not already available and accessible to the individuals participating." The first two items listed, outreach and transportation, are listed from social services in Title VII. Both are vital to enable participation in the program, but should they be funded out of the same limited pot as such social services as information and referral, health and welfare counselling, nutrition education and recreation activities?

(b) The Regulations maintain that not more than 20% of the State's allotment should be used for social services. This means that, since only up to 10% may be used for administration, that the remaining 70% must pay for the nutrition and other components.

(c) SRS guidelines govern all social services.

909.39 The use of *existing resources* is encouraged.

*909.40 The statute has very little to say about *charges to recipients for costs of meals,* only that these should be "low-cost." SRS has proposed, therefore, that a participant be offered a range of "suggested contributions," established by the projects, from which to "determine for himself what he is able to contribute toward the cost of a meal." Participants would be given the option to pay nothing, a small portion, or the entire cost of the meal, depending on ability to pay and inclination to do so. The suggested schedules would serve only as a guide for the optional fee, not as a means test. Research on the Title IV research and demonstration nutrition projects showed that the small amount of money taken in as contributions added little to their capital. Its main purpose was to allow participants to keep their dignity and to feel like they were helping. If the contributions were to be set at one level and the participants were told they could pay all, part or none of it, everything would seem to be much simpler for both the consumers and the administrators. If presented with a "suggested" scale, participants might feel somewhat confused—or even intimidated.

The Regulations also propose that the participants' contributions be kept confidential and that food stamps might be accepted for home-delivered meals. The Food Stamp Act, as it stands, does not permit Food Stamps to pay for hot meals—

other than those which are home-delivered—or to be used by anyone also receiving Donated Foods (surplus commodities).

*909.41 The Regulations propose that the projects, where feasible, serve as certification, information and distribution centers for *food stamps and commodities*.

*909.42 This protects the rights of *confidentiality* of those involved with the program.

909.43–909.49 These sections, which cover such topics as the *training* of personnel, project *record keeping* and *purchase of goods and services*, are reiterations of the mandates of Title VII.

909.50–909.62 These are also taken more or less verbatim from the statute. They discuss such things as *allotment formula, program costs* to both the state and federal governments, availability of *surplus commodities* and *treatment of income*.

The formula for each state's allotment is based on the number of people in it over 60 with a floor of no less than .005% of the total appropriation.

FROM THE SOCIAL AND REHABILITATION SERVICE

[45 CFR PART 909]

NUTRITION PROGRAM FOR THE ELDERLY

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to the implementation of Public Law 92-258, approved March 22, 1972, which authorizes a new title VII of the Older Americans Act. The new title provides for grants to States for nutrition projects to assist in meeting the nutritional and social needs of persons aged 60 or over. The regulations set forth the organizational and administrative requirements for State agencies administering the program, and the standards which the nutrition projects must meet.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 15 days from the date of publication of this notice in the FEDERAL REGISTER. It is the policy of the Department that 30 days' notice will be given for proposed rule making in the formulation of rules and regulations governing Department grant programs. Compliance with such procedures, however, would involve delay in implementing the provisions of Public Law 92-258, which authorize appropriations for the period beginning July 1, 1972. Accordingly, we find that under the circumstances it is impracticable to allow the usual period of notice. Comments received will be available for public inspection in Room 5121 of the Department's offices at 301 C Street SW., Washington DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202-963-7361).

Dated: May 26, 1972.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: June 1, 1972.

ELLIOT L. RICHARDSON,
Secretary.

A new Part 909 is added to Chapter IX of Title 45 of the Code of Federal Regulations to read as follows:

PROPOSED RULE MAKING

PART 909—NUTRITION PROGRAM FOR THE ELDERLY

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909.62 Relationship to other laws.

AUTHORITY: The provisions of this Part 909 issued under secs. 101 et seq., 79 Stat. 218–226, 81 Stat. 106–108, 82 Stat. 1101, 83 Stat. 108–115, 86 Stat. 88–95; 42 U.S.C. 3001 et. seq.

SUBPART A—GENERAL

§ 909.1 Purposes of the program.

(a) Many elderly persons do not eat adequately because:

(1) They cannot afford to do so;

(2) They lack the knowledge and/or skills to select and prepare nourishing and well-balanced meals;

(3) They have limited mobility which may impair their capacity to shop and cook for themselves; and

(4) They have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone.

These and other physiological, psychological, social, and economic changes that can occur with aging result in a pattern of living which may cause malnutrition and further physical and mental deterioration.

(b) The purpose of this program is to provide older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private facilities where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of the population through improved nutrition, such a program is aimed at reducing the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

§ 909.2 Applicability.

This part applies to the program under title VII of the Older Americans Act.

§ 909.3 Definitions.

For the purposes of this part, in addition to the definitions in § 901.2, the following definitions apply:

(a) "Eligible individuals" are those persons who are aged 60 or over and who:

(1) Cannot afford to eat adequately;

(2) Lack the skills and/or knowledge to select and prepare nourishing and well-balanced meals;

(3) Have limited mobility which may impair their capacity to shop and cook for themselves; or

(4) Have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone.

The spouses of such individuals are also considered eligible individuals.

(b) "Minority individuals" are those persons who identify themselves as American Indian, Spanish language, Negro or Oriental.

(c) "Project area" means the geographic area for which a single project award may be made. This project area may not be less in area than a single county, a single city with a population of at least 250,000, or a single Indian reservation.

(d) "State agency" means the agency designated by the Governor and approved pursuant to § 909.13 to administer the nutrition program under this part.

SUBPART B—THE STATE PLAN

§ 909.4 Purpose.

The basic conditions for receiving Federal funds under title VII of the Older Americans Act is the submission by the State agency of a State plan, or an amendment to the existing State plan under title III of the Act, meeting the requirements of title VII and of this part, in the form and containing the information prescribed by the Social and Rehabilitation Service. The State plan is a commitment by the State to carry out the nutrition program in keeping with the provisions of title VII of the Act and all regulations, policies and procedures established by the Secretary. As used in this part, State plan refers either to an amendment to the existing State plan under title III of the Act, or to a separate State plan for this program.

§ 909.5 Plan development.

The State plan will be developed by the State agency designated under § 909.13. If this State agency is also the agency designated pursuant to section 303 of the Older Americans Act, this State plan will be in the form of an amendment to the State plan provided in section 303 of the Act; and will fulfill only the requirements of this part which are not already fulfilled in compliance with part 903 of this chapter.

§ 909.6 Plan submission and approval.

The State plan and all amendments thereto shall be submitted to the Secretary by a duly authorized officer of the State agency through the Regional Commissioner of the Social and Rehabilitation Service. The Regional Commissioner reviews the plan or amendments and approves them within his delegated authority, or forwards the plan or amendments, together with his comments and recommendations, to the Administrator, Social and Rehabilitation Service, hereinafter referred to as the Administrator, for action. Any State plan or amendments meeting the requirements of title VII of the Act and of this part shall be approved.

§ 909.7 Plan amendments.

The State agency's administration of the program shall be in conformity with the State plan as approved. Whenever there is any material change in the content or administration of the State plan as approved, or when there has been a change in pertinent State law or in operations of the State agency affecting the plan, the State plan shall be appropriately amended.

§ 909.8 Plan review.

The approved State plan and all amendments shall be subject to review as the Secretary may prescribe.

§ 909.9 Plan disapproval.

No State plan or any modification thereof submitted under title VII of the Act shall be finally disapproved without first affording the State reasonable notice and opportunity for a hearing.

§ 909.10 Withholding of funds.

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under title VII of the Act finds that:

(a) The State plan no longer complies with the provisions of title VII of the Act; or

(b) In the administration of the plan, there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of title VII of this Act (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State under title VII of the Act, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure as the case may be.

§ 909.11 Appeal procedures.

If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under this part, or with respect to termination of payments in whole or in part under § 909.10, such State may, within 60 days after notice of such action, file with the U.S. court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

§ 909.12 Review of plan by Governor.

The State plan shall provide that the office of the Governor will be given an opportunity to review the State plan, plan amendments and related material, in accordance with the requirements of § 204.1 of this title.

SUBPART C—STATE AGENCY

§ 909.13 State agency.

(a) The State plan shall identify the single State agency that has been established or designated as the sole agency for administering or supervising the administration of the State plan under title VII of the Act, and coordinating operations under this plan with other agencies providing services to the elderly.

(b) This State agency shall be the agency designated pursuant to section 303(a)(1) of the Act, unless the Governor of such State shall, with the approval of the Secretary, designate another agency. Such other agency will be approved by the Secretary only if the Governor shows that such agency is more capable than the State agency designated under section 303(a)(1) of the Act to:

(1) Administer the Nutrition Program for the Elderly, including necessary supporting social services, for the purposes described in this part; and

(2) Coordinate this nutrition program with other programs for the aging in the State.

(c) If another agency is so designated and approved by the Secretary, the State plan must assure that the planning and implementation of the program will be conducted in close coordination with the title III program under this Act.

§ 909.14 Authority of the State agency.

The State plan shall contain a certification by the State attorney general that the State agency has the authority to submit the State plan; is the sole State agency responsible for administering or supervising the administration of the State plan; and that nothing in the State plan is inconsistent with State law.

§ 909.15 Organization of the State agency.

The State plan shall provide that there will be a single organizational unit within the State agency with delegated authority for the administration of the State plan under title VII of the Act. If the State agency is an independent single purpose agency, such agency in its entirety, may constitute the single unit. If the State agency designated to administer the program under title VII of the Act is the same agency designated to administer title III of the Act and this agency is a multipurpose agency, the single organizational unit designated pursuant to this part shall be the same unit designated pursuant to § 903.12 of this chapter.

SUBPART D—STATE ADMINISTRATION

§ 909.16 Staffing.

(a) The State plan must assure that there will be adequate numbers of qualified staff, including persons knowledgeable in nutrition services and social services essential for the nutrition program, within the single organizational unit designated under § 909.15.

(b) Such staff must be adequate to provide effective implementation of the program at the State level, and to provide technical assistance to local projects, in such program areas as planning, operations and evaluation.

§ 909.17 Advisory assistance

(a) The State plan shall provide that the State agency shall obtain advisory assistance from consumers of service, including members of minority groups, under this part and persons knowledgeable in the provision of nutrition services.

(b) The State plan shall set forth the method by which such advisory assistance shall be obtained.

(c) The advisory assistance for this program must be functional prior to the approval by the State agency of awards under this part.

§ 909.18 Coordination with other agencies.

The State plan shall provide that in the development and implementation of this program, the State agency shall consult with and utilize the resources of appropriate public and private agencies, to the extent possible. Such agencies shall include health and mental health, welfare, rehabilitation, education, economic opportunity, and food and agricultural agencies. These relationships shall include joint planning, the sharing of information, and the negotiation of work-

ing agreements necessary to carry out the purposes of this part, and specifically the purposes of § 909.39. The purpose of this activity shall be to assure the development and delivery of comprehensive and coordinated services in connection with the services provided under this part.

§ 909.19 Identification of target groups to be served.

(a) The State plan shall provide that the State agency will identify target groups of eligible individuals in the State having greatest need for nutrition services. The criteria to be used by the State in selecting such target groups shall include those factors set forth in § 909.1.

(b) The State plan shall contain assurances that the projects approved under this part will be designed to serve primarily those target group individuals determined to be in greatest need of such services.

§ 909.20 Selection of areas for project awards.

(a) The State plan shall provide that each area selected to receive an award will include major concentrations of older persons whose income is below the current Department of Commerce, Bureau of the Census poverty threshold.

(b) In selecting areas for project awards, the State agency should consider the number of minority group eligible individuals in such areas, in order to assure that of the total number of elderly served each fiscal year, minority individuals will be served, at least in proportion to their numbers of the eligible individuals in the State.

§ 909.21 Project awards.

The State plan shall provide that:

(a) In implementing this program, the State agency may make awards in cash or in kind in the form of grants to, or contracts with, any public or private nonprofit institution or organization, agency, or political subdivision of a State which submits an application in keeping with guidelines established by the Social and Rehabilitation Service and the State agency and which meets the other conditions of this part.

(b) The State agency will, to the extent feasible, make awards to projects, or provide for subcontracts within such awards, to be operated by minority individuals, at least in proportion to their numbers of eligible individuals in the State.

(c) For each project area selected by the State agency to receive funds under this part, there shall be a single recipient of such award for the entire project area. Any area selected may not be less in area than a single county, a single city with a population of at least 250,000 or a single Indian reservation. There may be more than a single award (and more than a single recipient of an award) in cities with a population in excess of 250,000 only when such exception is approved by the Social and Rehabilitation Service. Within any project, subcontracts may be awarded to administer individual local nutrition sites within the project area. Any recipient of a project award must have the capacity to assure effective implementation of the program throughout the project area.

(d) If the applicant agency is not a public agency, the State agency shall secure comments on the proposed project from the appropriate major unit(s) of local general purpose government.

(e) Each project must serve an average of at least 100 meals daily throughout the project area.

§ 909.22 Strengthening of existing programs.

In implementing this program in project areas selected by the State agency, the State agency should, to the maximum extent feasible, strengthen existing nutrition service programs. However, such projects must fully comply with all standards prescribed in this part and in guidelines issued by the Social and Rehabilitation Service and the State agency. With respect to the demonstration nutrition projects funded under title IV of the Act, such projects shall have until June 30, 1973, to conform to any standards, in addition to those prescribed in the Act, in order to receive continued funding under this part.

§ 909.23 Annual operating plan.

The State plan shall provide that the State agency will submit, by May 1 of each year, an annual operating plan which will describe how the program will be implemented throughout the State. Such plan will be developed and submitted in accordance with guidelines issued by the Social and Rehabilitation Service.

§ 909.24 Opportunity for hearing.

The State plan shall provide that the State agency will provide that any nutrition project applicant, whose application for approval is denied, will be afforded an opportunity for a hearing before the State agency.

§ 909.25 Public information.

The State plan must provide for a continuing program of public information specifically designed to assure that information about the nutrition program, its objectives and its results, is effectively and appropriately promulgated throughout the State in a manner designed to reach potential applicant agencies for nutrition projects.

§ 909.26 State administration costs.

The State plan shall provide that not more than 10 percent of the allotment made available to each State for any fiscal year under title VII shall be available to provide for the proper and efficient administration of the State plan at the least possible administrative cost. Any such use of funds must be justified on an annual basis. Only with the prior approval of the Secretary may a larger amount be used for State plan administration.

§ 909.27 Reports.

The State plan shall provide that the State agency will make such reports to the Secretary in such form and containing such information as may reasonably be necessary to enable him to perform his functions under the Act, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

§ 909.28 Fiscal control and accounting.

The State plan shall provide that the State agency will develop accounting systems and procedures as are adequate to control and support all fiscal activities under title III, in accordance with guidelines issued by the Social and Rehabilitation Service. The State agency and all recipients of nutrition project awards shall maintain such accounts and documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to be against the allotments to the States.

§ 909.29 Program evaluation.

The State plan shall provide that the State agency will conduct an ongoing evaluation of the nutrition program on a statewide as well as individual project basis. The evaluation system developed and carried out by the State must be designed so as to measure the impact of the nutrition program on the target group of eligible individuals determined by the State agency. As a part of its evaluation, the State shall conduct onsite evaluations of each nutrition project within the State at least quarterly.

§ 909.30 Methods of administration.

The State plan shall provide that the State agency will provide for such methods of administration as are necessary for the proper and efficient operation of the plan.

§ 909.31 Standards of personnel administration.

(a) The State plan shall provide that methods of personnel administration will be established and maintained in the State agency administering the State plan in conformity with the standards for a Merit System of Personnel Administration, Part 70 of this title and any standards prescribed by the U.S. Civil Service Commission pursuant to section 208 of the Intergovernmental Personnel Act of 1970 modifying or superseding such standards. Under this requirement, laws, rules, regulations, and policy statements effectuating such methods of personnel administration are a part of the State plan. Citations of applicable State laws, rules, regulations, and policies which provide assurance of conformity to the standards in Part 70 of this title or to modifying or superseding standards issued by the Commission must be submitted with the State plan. Copies of the materials cited must be furnished on request.

(b) The State plan shall provide that the State agency will develop and implement an affirmative action plan for equal employment opportunity in all as-

pects of personnel administration as specified in § 70.4 of this title. The affirmative action plan will provide for specific action steps and timetables to assure equal employment opportunity. This plan shall be made available for review upon request.

(c) The Secretary shall exercise no authority with respect to the selection, tenure of office or compensation of any individual employed in accordance with such methods.

SUBPART E—STANDARDS FOR NUTRITION PROJECTS

§ 909.32 Staffing of projects.

The State plan shall provide that:

(a) Each recipient of a grant or contract will provide for adequate numbers of qualified staff to assure satisfactory conduct of the following functions:

(1) Project leadership;

(2) Program planning;

(3) Provision of nutrition services;

(4) Outreach, transportation, information and referral, health and welfare counseling, nutrition education and recreation to the project;

(5) Volunteer activities; and

(6) Financial management and data collection and analysis.

The project director must be a qualified individual working full-time on the nutrition project. Preference must be given to persons aged 60 or over in the hiring for all staff positions. Project staff must be, to the extent feasible, representative of the minority individuals participating in the project.

(b) Each recipient of a grant or contract will encourage the voluntary participation of other groups in the conduct of the project, such as college and high school students.

§ 909.33 Project councils.

The State plan shall provide that:

(a) Each project shall have a project council. It shall be the responsibility of the council to advise the recipient of a grant or contract on all matters relating to the delivery of nutrition services within the project and to approve all policy decisions related to:

(1) The determination of general menus;

(2) The establishment of suggested fee guidelines;

(3) The hours of operation of the project; and

(4) The decorating and furnishing of the meal setting.

(b) More than one-half of the membership of this council shall be actual consumers of the nutrition services of the project. Consumer members shall be representative of each major congregate meal site and be elected by participants in such sites. Other members of the council shall include persons competent in the field of service in which the nutrition program is being provided and persons who are knowledgeable with regard to the needs of elderly persons.

(c) The State agency shall develop formal procedures, regarding the tenure of members, responsibilities and operations of the project council prescribed in this section, in keeping with guidelines established by the Social and Rehabilitation Service.

§ 909.34 Selection of congregate meal sites.

(a) The State plan shall provide that within project areas selected to receive awards, congregate meal sites will be located in areas having major concentrations of older persons whose income falls below the current Department of Commerce, Bureau of the Census poverty threshold.

(b) Such congregate meal sites shall be located as close as possible, preferably within walking distance, to these concentrations of older persons. Such sites may include schools, churches, senior centers and other appropriate facilities.

(c) The congregate meal sites selected must assure an atmosphere appropriate for pleasant dining, and a setting conducive to expanding the project and for providing necessary and related social services to recipients of nutrition services.

§ 909.35 Identification of persons to be served.

The State plan shall provide that each project shall undertake those activities necessary to identify:

(a) The total numbers of target group eligible individuals in the project area;
(b) The general locations of concentrations of such individuals; and
(c) The nutrition and related social service needs of such individuals.

§ 909.36 Nutrition requirements.

The State plan shall provide that:

(a) Each congregate meal site established by the project must provide at least one hot meal per day, 5 or more days a week, and any additional hot or cold meals which the project may elect to provide. A hot meal for purposes of this program is one in which the principal food item of the meal is hot at the time of serving.

(b) Each meal served must contain at least one-third of the current daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science-National Research Council.

(c) Special menus, where feasible and appropriate, shall be provided at each congregate meal site for meeting the particular dietary needs arising from the health requirements, religious requirements, or ethnic backgrounds of participants.

§ 909.37 Home delivered meals.

The State plan shall provide that recipients of grants of contracts will provide home delivered meals where necessary to meet the needs of target group eligible individuals who are homebound. Home delivered meals must meet standards set forth in § 909.36.

§ 909.38 Supporting social services.

The State plan shall provide that:

(a) Each recipient of a grant or contract must provide for the provision of the following supporting social services, to the extent that such services are needed and are not already available and accessible to the individuals participating in the nutrition project:

(1) Comprehensive and ongoing outreach activities from each major congregate meal site to assure that the maximum number of the hard-to-reach target group eligible individuals participate in the nutrition project;

(2) Transportation and personal escort services to and from the congregate meal sites;

(3) Information and referral services;

(4) Health and welfare counseling services;

(5) Nutrition education; and

(6) Recreation activities incidental to the project.

(b) Not more than 20 per centum of a State's allotment for a given fiscal year, excluding that necessary for administering the State plan, shall be used for the provision of the social services prescribed in this section.

(c) All such social services shall be in keeping with program standards and guidelines issued by the Social and Rehabilitation Service.

§ 909.39 Use of existing resources.

In order to assure the development and provision of needed social services, including those set forth in § 909.38, the State plan shall provide that each project will undertake those activities necessary to assure maximum utilization of all other public and private resources and services in the conduct of this program. Such activities shall include joint planning, the sharing of information, and the negotiation of agreements for joint funding and operation of the program.

§ 909.40 Charges to recipients for costs of meals.

The State plan shall provide that:

(a) Recipients of grants or contracts under this plan will provide opportunity for the participants in nutrition projects to pay all or part of the cost of the meals served under this program.

(b) Recipients of grants or contracts will establish schedules of suggested contributions by participants toward the cost of the meal. Such schedules must take into consideration the income ranges of eligible individuals. However, each individual participant shall determine for himself what he is able to contribute toward the cost of a meal. Each participant shall be informed of his responsibility to decide for himself what he should pay, including the right to ob-

tain meals free of charge if the participant decides he is unable to pay for such meals. No individual shall be denied participation in the nutrition program because of the inability to pay all or part of the cost of the meals served.

(c) Suggested contribution schedules shall in no case be used as means tests to determine the eligibility of individuals to participate in the nutrition project.

(d) Methods of receiving contributions from individuals shall be handled in such a manner so as not to differentiate among individuals' contributions publicly.

(e) Recipients of grants or contracts under this part will accept food stamps from participants as contributions for meals delivered to individuals' homes.

§ 909.41 Food stamps and donated foods.

The State plan shall provide that recipients of grants or contracts under this part will, to the maximum extent feasible, provide for the certification for, and the distribution of, food stamps and U.S. Department of Agriculture donated foods and information relative to food stamps and donated foods to persons eligible for such programs at all major congregate meal sites. Where possible, the costs incurred by the project in administering these programs will be reimbursed by the State agencies administering the donated food and food stamp programs.

§ 909.42 Confidentiality.

The State plan shall provide that each recipient of a grant or contract assure that no personal information obtained from an individual in conjunction with the project shall be disclosed in a form in which it is identified with him, without written consent of the individual concerned.

§ 909.43 Training of personnel.

The State plan shall provide that each recipient of a grant or contract under this part provide for such training as may be necessary to enable personnel providing services under the project to administer projects in accordance with the purposes of this Act. All such training must be in conformance with training standards prescribed by the Social and Rehabilitation Service in program guidelines, and include attendance at training specifically provided for by the Social and Rehabilitation Service with regard to this program.

§ 909.44 Project objectives.

The State plan shall provide that each recipient of a grant or contract will establish measurable program objectives for its nutrition and social service activities and will monitor on a regular basis its progress against such objectives.

§ 909.45 Evaluation.

The State plan shall provide that recipients of grants or contracts will cooperate and assist in efforts to evaluate the effectiveness, feasibility, and cost of the nutrition projects.

§ 909.46 Local public information.

The State plan shall provide that each recipient of a grant or contract conduct ongoing public information activities designed specifically to inform target group eligible individuals in the project area of the services of the project.

§ 909.47 Project record keeping and reports.

The State plan shall provide that each recipient of a grant or contract will keep such records and make such reports in such form and containing such information as may be required in guidelines issued by the Social and Rehabilitation Service.

§ 909.48 State and local standards.

The State plan shall provide that recipients of grants or contracts will operate fully in conformance with all applicable State and local standards, including health and safety standards, prescribed in law or regulations.

§ 909.49 Purchase of goods and services.

(a) None of the provisions of this part shall be construed to prevent a recipient of a grant or contract from entering into an agreement, subject to the approval of the State agency in accordance with guidelines issued by the Social and Rehabilitation Service, with profitmaking organizations to carry out activities under a project.

(b) The State plan shall provide that recipients of project grants or contracts must assure that costs for goods and services do not exceed the amounts reason-

able and necessary to assure quality and that the sources from which goods or services are purchased meet applicable State and local laws and standards, and all provisions of this part.

(c) The State plan shall provide that recipients of grants or contracts obliged by State or local law to employ competitive bidding or other procedures for purchases shall employ such procedures in purchases for the project. Other recipients of grants or contracts shall employ purchase procedures prescribed for projects by the State agency.

SUBPART F—ALLOTMENT OF FUNDS

§ 909.50 Allotment formula.

The funds appropriated pursuant to section 708 of the Act for any fiscal year shall be allotted among the States in the following manner:

(a) From the sums appropriated for any fiscal year under section 708 of the Act, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that:

(1) No State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and

(2) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) The number of persons aged 60 or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

§ 909.51 Reallotment.

The amount of any State's allotment under § 909.50 of any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under § 909.50 for that year, but with such proportionate amount for any other State being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged 60 or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under § 909.50 for that year.

§ 909.52 Withholding of funds.

If the Secretary finds that any State has failed to qualify under the State plan requirements of section 705 of the Act, the Secretary shall withhold the allotment of funds to such State referred to in § 909.50.

§ 909.53 Disbursement of withheld allotment.

The Secretary, after giving the State reasonable opportunity to qualify, shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency or political subdivision of such State submitting an approved plan in accordance with the provisions of this part, including the requirement that any such payment or payments shall be matched in the proportion specified in § 909.57 for such State, by funds or in kind resources from non-Federal sources.

§ 909.54 Payments.

Payments under title VII of the Act may be made (after necessary adjustment on account of previously made overpayments) in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

§ 909.55 Obligation of allotments.

Allotments of funds made available under title VII which are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

§ 909.56 Audit.

The State plan shall provide that all fiscal transactions by the State agency and any other agency (if any) administering part of the plan and recipients of grants or contracts under title VII of the Act are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this part.

SUBPART G—PROGRAM COSTS

§ 909.57 Cost sharing.

The State plan shall provide that the Federal funds made available under title VII of the Act for any fiscal year will be expended to pay not in excess of 90 percent of the administration and operations costs of the nutrition program throughout the State. This total Federal allotment must be matched during each fiscal year by a total of 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

§ 909.58 Maintenance of effort.

Reasonable assurance shall be provided by recipients of grants or contracts that there will be expended for the nutrition project for the year for which such payments are made, from non-Federal resources, not less than the amount expended for nutrition programs for the elderly from such funds for the fiscal year prior to the funding of the project under title VII of the Act.

§ 909.59 Allowable costs.

Allowable costs for Federal financial participation under title VII of the Act must be both reasonable and necessary for the conduct of nutrition projects within the State. The types of expenditures of grant funds which are recognized and the conditions under which such expendtures are recognized are set forth in Office of Management and Budget cost policies, and in manuals and other issuances of the Social and Rehabilitation Service.

SUBPART H—AVAILABILITY OF SURPLUS COMMODITIES

§ 909.60 Department of Agriculture donated foods.

(a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to public or nonprofit private agencies or organizations to be used for providing nutritional services in accordance with the provisions of this part, to the extent of the total number of elderly persons participating in the program.

(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to public or nonprofit private agencies or organizations to be used for providing nutritional services in accordance with the provisions of this part, to the extent of the total number of elderly persons participating in the program.

(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions o fthis part, to the extent of the total number of elderly persons participating in the program.

§ 909.61 State agency purchase of commodities.

The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. Reports from State agencies concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon may be requested by the Administrator in such form and detail as he may prescribe.

SUBPART I—TREATMENT OF INCOME

§ 909.62 Relationship to other laws.

No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

[FR Doc. 72–8552 Filed 6–5–72; 8:46 am]

FROM THE NATIONAL COUNCIL OF SENIOR CITIZENS

STATEMENT OF WILLIAM R. HUTTON, EXECUTIVE DIRECTOR

INTRODUCTION

The National Council of Senior Citizens welcomes this opportunity to present its critique of the proposed rules and regulations for the Nutrition Program for the Elderly.

The Council is deeply committed to seeing that this Nutrition Program for the Elderly is implemented quickly and effectively.

Our support for this type of legislation goes back a number of years, culminating when the National Council participated in the White House Conference on Food, Nutrition and Health where we actively backed a daily meal service for the elderly. Later, in our testimony on S. 1163, we urged administration of a Nutrition Program by the Administration on Aging, rather than, as proposed originally, the Department of Agriculture. We have found that the Department of Agriculture evidenced virtually no awareness of the particular needs of older people.

We saw this Nutrition Program as the kind of a community service that would not only provide nutritious meals for older people, but would develop and enlarge associations among older people, and serve also as a source of employment opportunities.

In the months prior to the enactment of S. 1163, the National Council, through its officers, Executive Board and clubs, provided solid support for this legislation. In the "Platform For The Seventies For Older Americans"—issued in substantial numbers to participants in the White House Conference on Aging, we set forward the following goal: "The nutritional well-being of the nation's elderly should be improved but at the same time there should be programs to meet the social needs of the elderly"—and emphasized that a meal service program was more effective when meals are provided in a group setting which encourages social interaction and facilitates involvement of other services which directly relate to adequate nutrition.

In the development of the rules and regulations for the Nutrition Program for the Elderly, the National Council has been represented in meetings conducted by the Food Research and Action Center, and participated in a meeting of national organizations called by Commissioner John Martin of the Administration on Aging.

REVIEW OF ISSUES AND PROPOSED RULES

In these reviews several important issues were identified which we would like to discuss, relating them to the appropriate section of the proposed rules.

I. Coordination of Social and Nutritional Services

We support coordination of programs under Title III—Social Services and programs under Title VII—Nutritional Services, as suggested in the Administration's amendments to the Older Americans Act, but hold that this is going to take some time to effect and argue therefore that there is a mandate for initiating now these nutritional services which have been in the planning stage for several months. The inauguration of these essential nutritional services should not have to wait on the enactment of pending amendments to the Older Americans Act, which include the establishment of a White House Office on the Aging, the elevation of the Administration on Aging to independent status, coordination of Titles III and VII, and the resumption of the administrative responsibility by the Administration on Aging from the Action Agency of the Foster Grandparents of the Retired Senior Volunteer Program.

As we will indicate later in this statement some modifications in the rules proposed for the Nutrition Program for the Elderly, thus making the program more responsive to the needs of low income older persons, and a dedicated urgency on the part of federal and state agencies for the aging, officials should make possible the initiation of the program by September 1, 1972. Even so, this will still be five and a half months after the legislation got enacted and one and a half years after S. 1163 was first introduced.

II. Involvement of Older People in the Planning and Administration of the Program

The National Council of Senior Citizens holds that the key purposes of this legislation can only be adequately fulfilled if every opportunity is afforded to involve older people in the planning and administration of the program. The time has come, in our judgment, when we must insist that the fullest consideration be given to having programs for older people of, by and for older people.

Throughout this nutrition legislation there is constant emphasis on the equal importance of socializing experiences with the provision of nutritious meals. This process should begin with the signficant involvement of older people in activities designed to serve them.

Sec. 909.17.—*Advisory Assistance*

This section provides that the State agency shall obtain advisory assistance from consumers of services, including members of minority groups.

Our Recommendation

We recommend that the State Plan specifically provide for the appointment of an Advisory Council on Nutrition and related services composed of not less than nine persons, of whom five shall be elderly individuals, including members of minority groups.

Sec. 909.33.—*Project Councils*

This section establishes a project council more than half of whose members shall be consumers. These project council members are to be elected from each major congregate site.

Our Recommendation

We commend the proposal that each project shall have a Project Council—more than one-half of whose members shall be actual consumers of nutrition services of the project. However, the Council is not provided with any significant control of the project.

In line with our belief that older persons should be significantly involved in the planning and management of activities, we recommend that this Council have a set of officers, a Chairman, Vice Chairman and Secretary, and that the sponsoring agency, in selecting an Executive for the Nutrition project, shall consult with the officers of this Advisory Council. This would provide the participants with some management responsibilities for the project.

III. Definition of low-income elderly

The National Council holds that, since this legislation has the dual purpose of providing nutritious meals and permitting socialization among the elderly, the level of income should not be the sole criteria for eligibility.

The 1971 White House Conference on Aging held that the floor of income for older persons should be the Intermediate Budget of the Bureau of Labor Statistics for an elderly couple (about $4,500 a year in the spring of 1970). We hold that the near poor—those between the poverty level and the BLS Intermediate level—who generally will not be eligible for welfare benefits—also need to be involved in the program for meals and socialization.

Sec. 909.20.—*Selection of Areas for Project Awards*

The proposed rule provides that the areas selected for project awards must include "major concentrations of older persons whose income is below the current Department of Commerce, Bureau of the Census poverty threshold." This in 1971 is $1,920 for a single person and $2,460 for a couple.

Our Recommendation

We recommend that the low-income be defined as those individuals whose income is at or below the Bureau of Labor Statistics Intermediate Budget.

IV. Charges to Recipients for Cost of Meals

Generally, the National Council of Senior Citizens favors the approach, as stated in our "Platform For The Seventies"—that the great majority of the elderly cannot pay for essential services and so must receive them free, or be partly subsidized. Many of these services are protective—nutritional and others have significant preventative aspects and so—like public health programs—ought to be universally available.

Sec. 909.40.—*Charges to Recipients for Cost of Meals*

The rule further proposes that a schedule of suggested contributions be established with each individual determining for himself what he is able to contribute.

Our Recommendation

Since most of the participants will be in the poor or near poor category, we would hold that no charge should be made. On the other hand, since, to many old people this may seem like a "handout", we recommend a flat fee, with the governing council for the project charged with determining what that flat fee should be.

We support fully the recommendations of this section—that no means test of any form be employed to determine the eligibility of individuals to participate in a nutrition project.

V. Employment Opportunities

In our testimony on the Nutrition Bill and in the Bill itself, this program was, and is seen as providing substantial opportunities for employment—full-time or part-time—in the administration of the project, in outreach and related social service activities and in the preparation of meals. The Senior AIDES project—conducted by the National Council of Senior Citizens for several years, has demonstrated the ability of older persons to provide significant social-welfare services.

Staffing of Projects

This section provides "that preference must be given to persons aged 60 or over in the hiring for all staff positions."

Our Recommendation

We support this proposed rule but would like to extend this to apply also to profit-making organizations by amending:

Sec. 909.49.—Purchase of Goods and Services—to require that contracts should be awarded only to profit-making organizations which have not discriminated in employment on account of age and produce evidence that they are employing or prepared to employ older persons in their operation.

Appendix 3.

INFORMATION OF INTEREST

[The Washington Post, June 14, 1972]

THRIFT AT THE EXPENSE OF THE HUNGRY

Normally, when we in this country hear that some agency of the government is turning money back to the Treasury, we breathe a sigh of relief figuring that some effective statesman-like government employees have given us a little good government. And, normally, you'd think that the government agency responsible for such savings would be anxious to broadcast the story loud and clear. Well, the other day, the Senate Select Committee on Nutrition and Human Needs had virtually to drag from Department of Agriculture officials that they were turning something like $400 million in food stamp funds back to the Treasury this year. Curious.

But, as the facts dribble out, the strange reticence of the USDA on the subject becomes less mysterious. Last fall, it seemed that USDA was leaning toward cutting the program back by some $200 millions, but after outcries by advocates of the poor and legislators on the hill, and amidst denials by USDA officials that they were following a punitive and flinty-hearted policy, the plan was scrapped—apparently. At that point, the projections of the administration and the advocates of the hungry alike were that by the end of the fiscal year, 12.5 million people would be served by the program. Yet, as the fiscal year is ending and the administration is turning money back to the treasury, only 11.5 million people are enrolled in the program.

Moreover, 1970 census figures show that some 25.9 million people are in poverty in this country. These are the "nutritionally endangered", in the language of the Select Committee. About 44% of them (11.5 million) participate in the food stamp program, 13% (3.3 million) receive surplus commodities and 43% (10.8 million) receive nothing. So, neither in terms of its own projections nor in terms of absolute human need can it be argued that this bit of government thrift is the result of a job well, or completely done.

And there is also a question as to whether some of the returned money could not have been usefully spent for the benefit of those U.S. millions currently being served. The National Council on Hunger estimates that between January 1970 and April 1972 the cost of food consumed at home rose at a rate 500% greater than the rise in the food stamp allotment. It is true that during the year, the USDA did raise the allotment to reflect some rise in food prices but in many instances, it also raised the cost of the stamps, sometimes more than the increase in the allotment. Some elderly recipients testified that because of their advanced ages, special diets were required. In some instances those diets are so costly that the elderly exhaust their food stamp benefits in the first two weeks of the month.

Thus, the Department of Agriculture had at hand a number of ways in which the $400 million "saving" could have been expended to alleviate human misery. When it became fairly clear in late 1971 that the food stamp appropriation would not be spent at the then current program level, USDA could have chosen to provide benefits to more hungry people, it could have enriched the benefits of the people already enrolled in the program or it could have provided richer allotments to the elderly. As far as can be seen at this point, it chose to do none of these. Rather, it chose to "save" $400 million—at great human cost.

In a program that is designed to feed hungry Americans, all of that sounds like bad and punitive government to us and leads us to repeat a question put to Senator Percy, who was chairing the hearings, by an elderly food stamp recipient, "Senator, why are they going to give it back when I get so little?"

A good question, we think.

76-300 O—72—pt. 2——10

Public Law 92-258
92nd Congress, S. 1163
March 22, 1972

An Act

To amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Older Americans Act of 1965, amendment. Nutrition programs. 79 Stat. 225; 83 Stat. 111, 114. 42 USC 3051.

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively redesignated as sections 801 through 805.

SEC. 2. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development nutrition projects for the elderly conducted under title IV of the Older Americans Act have demonstrated the effectiveness of, and the need for, permanent nationwide projects to assist in meeting the nutritional and social needs of millions of persons aged sixty or older. Many elderly persons do not eat adequately because (1) they cannot afford to do so; (2) they lack the skills to select and prepare nourishing and well-balanced meals; (3) they have limited mobility which may impair their capacity to shop and cook for themselves; and (4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

42 USC 3031.

86 STAT. 88

86 STAT. 89

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy which provides older Americans, particularly those w national policy which provides older Americans, particularly those with low incomes, with low cost, nutritionally sound meals served in strategically located centers such as schools, churches, community centers, senior citizen centers, and other public or private nonprofit institutions where they can obtain other social and rehabilitative services. Besides promoting better health among the older segment of our population through improved nutrition, such a program would reduce the isolation of old age, offering older Americans an opportunity to live their remaining years in dignity.

"ADMINISTRATION

"SEC. 702. (a) In order to effectively carry out the purposes of this title, the Secretary shall—

HEW Secretary, duties.

"(1) administer the program through the Administration on Aging; and

"(2) consult with the Secretary of Agriculture and make full utilization of the Food and Nutrition Service, and other existing services of the Department of Agriculture.

"(b) In carrying out the provisions of this title, the Secretary is authorized to request the technical assistance and cooperation of the Department of Labor, the Office of Economic Opportunity, the Department of Housing and Urban Development, the Department of

Other Federal agencies, cooperation.

Transportation, and such other departments and agencies of the Federal Government as may be appropriate.

"(c) The Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities.

86 STAT. 89
86 STAT. 90

"(d) In carrying out the purposes of this title, the Secretary is authorized to provide consultative services and technical assistance to any public or private nonprofit institution or organization, agency, or political subdivision of a State; to provide short-term training and technical instruction; and to collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this title.

Informational materials, publication.

"ALLOTTMENT OF FUNDS

"SEC. 703. (a)(1) From the sums appropriated for any fiscal year under section 708, each State shall be allotted an amount which bears the same ratio to such sum as the population aged 60 or over in such State bears to the population aged 60 or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

State proportionate share formula.

"State."

"(2) The number of persons aged sixty or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

"(b) The amount of any State's allotment under subsection (a) of any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent in exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount realotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

Unrequired portion, reallotment.

"(c) The allotment of any State under subsection (a) for any fiscal year shall be available for grants to pay up to 90 per centum of the costs of projects in such State described in section 706 and approved by such State in accordance with its State plan approved under section 705, but only to the extent that such costs are both reasonable and necessary for the conduct of such projects, as determined by the Secretary in accordance with criteria prescribed by him in regulations. Such allotment to any State in any fiscal year shall be made upon the condition that the Federal allotment will be matched during each fiscal year by 10 per centum, or more, as the case may be, from funds or in kind resources from non-Federal sources.

Federal allotment, matching non-Federal funds.

"(d) If the Secretary finds that any State has failed to qualify under the State plan requirements of section 705, the Secretary shall withhold the allotment of funds to such State referred to in subsection (a). The Secretary shall disburse the funds so withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of such State submitting an approved plan in accordance with the provisions of section 705, including the requirement that any such payment or payments shall be matched in the proportion specified in subsection (c) for such State, by funds or in kind resources from non-Federal sources. Unqualified State's allotment, disbursement.

"(e) The State agency may, upon the request of one or more recipients of a grant or contract, purchase agricultural commodities and other foods to be provided to such nutrition projects assisted under this part. The Secretary may require reports from State agencies, in such form and detail as he may prescribe, concerning requests by recipients of grants or contracts for the purchase of such agricultural commodities and other foods, and action taken thereon. Agricultural commodities, purchase by State agency.

"PAYMENT OF GRANTS

"SEC. 704. Payments pursuant to grants or contracts under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

"STATE PLANS

"SEC. 705. (a) Any State which desires to receive allotments under this title shall submit to the Secretary for approval a State plan for purposes of this title which, in the case of a State agency designated pursuant to section 303 of this Act, shall be in the form of an amendment to the State plan provided in section 303. Such plan shall— 79 Stat. 222; 83 Stat. 108. 42 USC 3023.

"(1) establish or designate a single State agency as the sole agency for administering or supervising the administration of the plan and coordinating operations under the plan with other agencies providing services to the elderly, which agency shall be the agency designated pursuant to section 303(a)(1) of this Act, unless the Governor of such State shall, with the approval of the Secretary, designate another agency;

"(2) sets forth such policies and procedures as will provide satisfactory assurance that allotments paid to the State under the provisions of this title will be expended—

"(A) to make grants in cash or in kind to any public or private nonprofit institution or organization, agency, or political subdivision of a State (referred to herein as 'recipient of a grant or contract')—

"(i) to carry out the program as described in section 706.

"(ii) to provide up to 90 per centum of the costs of the purchase and preparation of the food; delivery of the meals; and such other reasonable expenses as may be incurred in providing nutrition services to persons aged sixty or over. Recipients of grants or contracts may charge participating individuals for meals furnished pursuant to guidelines established by the Secretary, taking into consideration the income ranges of eligible individuals in local communities and other sources of income of the recipients of a grant or a contract.

"(iii) to provide up to 90 per centum of the costs of such supporting services as may be necessary in each instance, such as the costs of related social services and, where appropriate, the costs of transportation between the project site and the residences of eligible individuals who could not participate in the project in the absence of such transportation, to the extent such costs are not met through other Federal, State, or local programs.

Administrative costs, limitation.

"(B) to provide for the proper and efficient administration of the State plan at the least possible administrative cost, not to exceed an amount equal to 10 per centum of the amount allotted to the State unless a greater amount in any fiscal year is approved by the Secretary. In administering the State plan, the State agency shall—

Reports; records, accessibility.

"(i) make reports, in such form and containing such information, as the Secretary may require to carry out his functions under this title, including reports of participation by the groups specified in subsection (4) of this section; and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this title, and

"(ii) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this title to the State, including any such funds paid by the State to the recipient of a grant or contract.

"(3) provide such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Secretary shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are necessary for the proper and efficient operation of the plan.

Low-income and minority groups, preference.

"(4) provide that preference shall be given in awarding grants to carry out the purposes of this title to projects serving primarily low-income individuals and provide assurances that, to the extent feasible, grants will be awarded to projects operated by and serving the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State.

State plan approval.

"(b) The Secretary shall approve any State plan which he determines meets the requirements and purposes of this section.

Noncompliance, payments termination.

"(c) Whenever the Secretary, subject to reasonable notice and opportunity for hearing to such State agency, finds (1) that the State plan has been so changed that it no longer complies with the provisions of this title, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or with any requirements set forth in the application of a recipient of a grant or contract approved pursuant to such plan, the Secretary shall notify such State agency that further payments will not be made to the State under the provisions of this title (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State agency shall not make further payments under this part to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Secretary shall make no further payments to the State

under this title, or shall limit payments to recipients of grants or contracts under, or parts of, the State plan not affected by the failure or payments to the State agency under this part shall be limited to recipients of grants or contracts not affected by the failure, as the case may be.

"(d)(1) If any State is dissatisfied with the Secretary's final action with respect to the approval of its State plan submitted under subsection (a), or with respect to termination of payments in whole or in part under subsection (c), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. Judicial review. 72 Stat. 941; 80 Stat. 1323.

"(2) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the Court for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. U.S. Supreme Court, review. 62 Stat. 928.

"NUTRITION AND OTHER PROGRAM REQUIREMENTS

"SEC. 706. (a) Funds allotted to any State during any fiscal year pursuant to section 703 shall be disbursed by the State agency to recipients of grants or contracts who agree—

"(1) to establish a project (referred to herein as a 'nutrition project') which, five or more days per week, provides at least one hot meal per day and any additional meals, hot or cold, which the recipient of a grant or contract may elect to provide, each of which assures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Academy of Science-National Research Council; "Nutrition project."

"(2) to provide such nutrition project for individuals aged sixty or over who meet the specifications set forth in clauses (1), (2), (3), or (4) of section 701(a) and their spouses (referred to herein as 'eligible individuals'); Ante, p. 88. "Eligible individuals."

"(3) to furnish a site for such nutrition project in as close proximity to the majority of eligible individuals' residences as feasible, such as a school or a church, preferably within walking distance where possible and, where appropriate, to furnish transportation to such site or home-delivered meals to eligible individuals who are homebound; Project site.

"(4) to utilize methods of administration, including outreach, which will assure that the maximum number of eligible individuals may have an opportunity to participate in such nutrition project;

"(5) to provide special menus, where feasible and appropriate, to meet the particular dietary needs arising from the health requirements, religious requirements or ethnic backgrounds of eligible individuals; Special menus.

Supportive services.

"(6) to provide a setting conducive to expanding the nutrition project and to include, as a part of such project, recreational activities, informational, health and welfare counseling and referral services, where such services are not otherwise available;

"(7) to include such training as may be necessary to enable the personnel to carry out the provisions of this title;

"(8) to establish and administer the nutrition project with the advice of persons competent in the field of service in which the nutrition program is being provided, of elderly persons who will themselves participate in the program and of persons who are knowledgeable with regard to the needs of elderly persons;

Evaluation.

"(9) to provide an opportunity to evaluate the effectiveness, feasibility, and cost of each particular type of such project;

Sixty-or-over personnel, preference.

"(10) to give preference to persons aged sixty or over for any staff positions, full- or part-time, for which such persons qualify and to encourage the voluntary participation of other groups, such as college and high school students in the operation of the project; and

"(11) to comply with such other standards as the Secretary may by regulation prescribe in order to assure the high quality of the nutrition project and its general effectiveness in attaining the objectives of this title.

Records, audit.

"(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"SURPLUS COMMODITIES

"SEC. 707. (a) Each recipient of a grant or contract shall, insofar as practicable, utilize in its nutrition project commodities designated from time to time by the Secretary of Agriculture as being in abundance, either nationally or in the local area, or commodities donated by the Secretary of Agriculture. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary of Agriculture to the recipient of a grant or contract, in accordance with the needs as determined by the recipient of a grant or contract, for utilization in the nutritional program under this title. The Secretary of Agriculture is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, as will maximize the nutritional and financial contributions of such donated commodities in such public or private nonprofit institutions or organizations, agencies, or political subdivisions of a State.

7 USC 612c.

"(b) The Secretary of Agriculture may utilize the projects authorized under this title in carrying out the provisions of clause (2) of section 32 of the Act approved August 24, 1935, as amended (49 Stat. 774, 7 U.S.C. 612c).

53 Stat. 975.

"APPROPRIATIONS AUTHORIZED

"SEC. 708. For the purpose of carrying out the provisions of this title there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974. In addition, there are hereby authorized to be appropriated for such fiscal years, as part of the appropriations for salaries and expenses for the Administration on Aging, such sums as Congress may determine to be necessary to carry out the provisions of this title. Sums appropriated pursuant to this section which are

not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during such succeeding fiscal year.

"RELATIONSHIP TO OTHER LAWS

"SEC. 709. No part of the cost of any project under this title may be treated as income or benefits to any eligible individual for the purpose of any other program or provision of State or Federal law.

"MISCELLANEOUS

"SEC. 710. None of the provisions of this title shall be construed to prevent a recipient of a grant or a contract from entering into an agreement, subject to the approval of the State agency, with a profitmaking organization to carry out the provisions of this title and of the appropriate State plan." Profitmaking organization, agreements.

Approved March 22, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 92-726 (Comm. on Education and Labor).
SENATE REPORT: No. 92-515 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD:
Vol. 117 (1971): Nov. 30, considered and passed Senate.
Dec. 1, considered in House.
Vol. 118 (1972): Feb. 7, considered and passed House, amended.
Mar. 7, Senate concurred in House amendment.

92D CONGRESS
1ST SESSION

S. 1588

IN THE SENATE OF THE UNITED STATES

APRIL 20, 1971

Mr. PERCY (for himself and Mr. HART) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To provide financial assistance for the construction and operation of senior citizens' community centers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senior Citizens Community Centers and Services Act".

DECLARATION OF POLICY

SEC. 2. The Congress declares that it is the policy of the United States—

(1) to better serve the specialized and often overlooked needs of older Americans;

(2) to supplement and expand existing community

services to older Americans supplied through housing projects for the elderly and other means;

(3) to provide a focal point in a community for the development and delivery of social services designed primarily for older Americans;

(4) to provide an opportunity for older Americans to realize the full potential of their retirement years;

(5) to provide assistance to senior citizens in overcoming the financial hardships of retirement, the physical hardships of declining health and decreasing mobility and the psychological hardships of the loneliness and isolation that often beset the older person;

(6) to build upon and expand the successful community-based programs and demonstration projects funded by titles III and IV of the Older Americans Act of 1965 as amended; and

(7) to provide expanded opportunities for service by senior citizens to other seniors and to the community, including those opportunities provided by existing programs funded by the Department of Labor, the Office of Economic Opportunity, and other Federal agencies.

TITLE I—CONSTRUCTION OF MULTIPURPOSE COMMUNITY CENTERS FOR SENIOR CITIZENS

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. There are authorized to be appropriated for grants for construction of public and other nonprofit community centers for senior citizens, $70,000,000 for the fiscal year ending June 30, 1973, $140,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975.

ALLOTMENTS TO STATES

SEC. 102. (a) For each fiscal year, the Secretary of Health, Education, and Welfare shall, in accordance with regulations, make allotments from the sums appropriated under section 101 to the several States on the basis of (1) the total population and the population of senior citizens, (2) the extent of the need for community centers for senior citizens, and (3) the financial need of the respective States; except that no allotment to any State, other than the Virgin Islands, American Samoa, and Guam, for any fiscal year may be less than $100,000. Sums so allotted to a State for a fiscal year and remaining unobligated at the end of such

year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year.

(b) In accordance with regulations of the Secretary, any State may file with him a request that a specified portion of its allotment under this title be added to the allotment of another State under this title for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a community center for senior citizens in such other State. If it is found by the Secretary that construction of the center with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the allotment of the other State under this title to be used for the purpose referred to above.

REGULATIONS

SEC. 103. Within six months after enactment of this Act, the Secretary shall, after consultation with Federal, State, and local agencies concerned with services for senior citizens as well as representatives of private groups concerned with services for senior citizens, by general regulations applicable uniformly to all the States, prescribe—

(1) the kinds of community centers and community services needed to provide adequate social services for senior citizens residing in a State;

(2) the general manner in which the State agency (designated as provided in the State plan approved under this title) shall determine the priority of projects based on the relative need of different areas, giving special consideration to projects on the basis of the extent to which the centers to be constructed thereby will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive services (as determined by the Secretary in accordance with regulations) for senior citizens in a particular community or communities or which will be an extension of or closely associated with an existing senior citizen center or community-based senior citizen program funded under title III of the Older Americans Act;

(3) general standards of construction and equipment for centers of different classes and in different types of location; and

(4) that the State plan shall provide for adequate community centers for senior citizens residing in the State.

STATE PLANS

SEC. 104. (a) After regulations pursuant to section 103 have been issued, any State desiring to take advantage of this title shall submit a revised version of the State plan required under title III of the Older Americans Act of 1965, as amended, for carrying out the purposes of this title. Such a revised State plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this title;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernment organizations or groups, and of State agencies concerned with planning, operation, or utilization of community centers for senior citizens, including representatives of consumers of the services provided by such centers and facilities who are familiar with the need for such services, to consult with the State agency in carrying out such plan;

(4) set forth a program for construction of commu-

nity centers (A) which is based on a statewide inventory of existing facilities and survey of need; and (B) which conforms with the regulations prescribed by the Secretary under section 103 (1);

(5) set forth the relative need, determined in accordance with the regulations prescribed under section 103 (2), for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title;

(8) provide for affording every applicant for a con-

struction project an opportunity for hearing before the State agency;

(9) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary and modifications thereof which it considers necessary.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

APPROVAL OF PROJECTS

SEC. 105. (a) For each project for construction pursuant to a State plan approved under this title, there shall be submitted to the Secretary through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the construction of the project, the application may be filed by one or more such agencies. Such application shall set forth—

(1) a description of the site for such project;

(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 103 (3) ;

(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community center;

(4) reasonable assurance that adequate financial support will be available for the construction of the project and for the non-Federal share of its maintenance and operation when completed;

(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5) ; and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934. as amended (40 U.S.C. 276c) ; and

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(6) a certification by the State agency of the Federal share for the project.

The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 103; (C) that the application is in conformity with the State plan approved under section 104 and contains assurance that in the operation of the center there will be compliance with the applicable requirements of the State plan and with State standards for operation and maintenance; (D) that the services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for senior citizens residing in a particular community or communities in or near which such center is to be situated a comprehensive program of social services; and (E) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 103(2). No application shall be

disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing.

(b) Amendment of any approved application shall be subject to approval in the same manner as an original application.

WITHHOLDING OF PAYMENTS

SEC. 106. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency designated as provided in section 104 (a) (1), finds—

(1) that the State agency is not complying substantially with the provisions required by section 104 to be included in its State plan, or with regulations under this title;

(2) that any assurance required to be given in an application filed under section 105 is not being or cannot be carried out;

(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 105; or

(4) that adequate State funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify the State agency that—

(1) no further payments will be made to the State from allotments under this title; or

(2) no further payments will be made from allotments under this title for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), or (4) of this section,

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

TITLE II—INITIAL STAFFING OF MULTIPURPOSE COMMUNITY CENTERS FOR SENIOR CITIZENS

STATEMENT OF INTENTION

SEC. 201. It is Congress' intent that the community centers shall be staffed as much as possible by volunteers and part-time employees from the ranks of senior citizens.

PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

SEC. 202. (a) For the purpose of assisting in the estab-

lishment and initial operation of community centers for senior citizens the Secretary may, in accordance with the provisions of this title, make grants to meet, for the temporary periods specified in this title, a portion of the costs (determined pursuant to regulations under section 205 below) of compensation of professional and technical personnel for the initial operation of new community centers for senior citizens and for the delivery of social services established therein.

(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first fiscal year after the date of enactment of this Act, 66⅔ per centum of such costs for the second fiscal year after such date, and 50 per centum of such costs for the third fiscal year after such date.

(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty-five years of age.

APPLICATIONS

SEC. 203. (a) Grants under this title with respect to any community center for senior citizens may be made only upon application and only if—

(1) the applicant is a public or nonprofit private agency or organization which owns or operates the center;

(2) the services to be provided by the center alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is situated, at least those essential elements of comprehensive social services for senior citizens which are prescribed by the Secretary;

(3) (A) a grant was made under title I of this Act to assist in financing the construction of the center or (B) the type of service to be provided as part of such program with the aid of a grant under this title was not previously being provided by the center with respect to which such application is made;

(4) the Secretary determines that there is satisfactory assurance that Federal funds made available under this title for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and non-Federal funds that would be in the absence of such Federal funds be made available for the program described in paragraph (2) of this section,

and will in no event supplant such State, local, and other non-Federal funds.

LIMITATION

SEC. 204. No grant may be made under this title after June 30, 1975, with respect to any community center for senior citizens or with respect to any type of service provided by such a center unless a grant with respect thereto was made under this title prior to July 1, 1975.

REGULATIONS

SEC. 205. For the purpose of carrying out the provisions of this title the Secretary may prescribe general regulations concerning eligibilty of centers for grants, determination of eligible costs with respect to which grants may be made, and the terms and conditions required under section 203 relating to applications.

AUTHORIZATION OF APPROPRIATIONS

SEC. 206. There are hereby authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1972, and for each of the two succeeding fiscal years. For subsequent fiscal years there are hereby authorized to be appropriated such sums as may be necessary to make grants to such centers which have previously received a grant under this title and are eligible for such a grant for the year for which sums are being appropriated under this sentence.

TITLE III—PROGRAMS AND SERVICES OF THE MULTIPURPOSE COMMUNITY CENTERS

STATEMENT OF INTENTION

SEC. 301. (a) It is the intent of Congress that—

(1) all programs assisted under title III and, where applicable, title IV, eventually shall be absorbed into the program activities of the new community centers, if such centers are constructed in the community, and that the centers should become the focal point of State and locally funded programs as well as federally funded programs;

(2) communities have maximum flexibility in designing programs to meet the unique needs of older citizens in these communities;

(3) senior citizens will be involved in the planning, designing, organizing, and operating of all federally assisted programs for senior citizens.

STATE PLANS PROVISION

SEC. 302. (a) State plans required under title III of the Older Americans Act as amended by title I of this Act shall be amended to contain provisions to assure that—

(1) programs under this title and all other related programs for senior citizens, whenever practicable, will be conducted in the multipurpose community centers for senior citizens constructed or assisted under this Act;

(2) procedures will be established for the distribution of grants to local communities within the State including criteria for establishing priority among communities within the State; and

(3) a description of programs and activities appropriate for multipurpose community centers for senior citizens for which assistance under this title is sought.

(b) The Secretary shall by regulation in each fiscal year establish the Federal share of the costs of that portion of the State plan to be assisted under this title.

AUTHORIZATION AND ALLOTMENT

SEC. 303. (a) There are authorized to be appropriated to carry out the provisions of this title $60,000,000 for the fiscal year ending June 30, 1972, $100,000,000 for the fiscal year ending June 30, 1973, and $150,000,000 for the fiscal year ending June 30, 1974.

(b) Funds appropriated pursuant to subsection (a) of this section shall be allotted to the extent practicable, in the same manner and upon the same conditions as under section 102 of this Act.

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

SEC. 401. For the purposes of this Act—

(1) The term "senior citizen" means any individual who has attained 55 years of age.

(2) The term "State" includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

(3) The term "multipurpose community center for senior citizens" means a facility providing a comprehensive set of social services to any citizen of the community over the age of fifty-five including but not limited to congregate dining facilities and meal services at low cost (including a meal service for shut-ins), recreational, social, educational, and cultural programs for senior citizens, informational and referral services, consumer education and protection services, legal counseling, preretirement and retirement counseling, employment counseling and referral for older citizens, transportation services (including transportation aides), home health services and counseling by paramedicals and nurses, and community volunteer programs.

(4) The term "nonprofit community center" means a community center for senior citizens which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term "nonprofit private agency or organization" means an agency or organization which is such a corporation or association or which is owned and operated by one or more such corporations or associations.

(5) The term "construction" includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings and initial equipment of any such buildings; including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

(6) The term "cost of construction" means the amount found by the Secretary to be necessary for the construction of a project.

(7) The term "title", when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

(8) The term "Federal share" with respect to any project means—

(A) if the State plan under which application for such project is filed contains, as of the date of approval of the project application, standards approved by the Secretary pursuant to section 402 the amount determined in accordance with such standards by the State agency designated under such plan; or

(B) if the State plan does not contain such stand-

ards, the amount (not less than 50 per centum and not more than 90 per centum or the State's Federal percentage, whichever is the lower) established by such State agency for all projects in the State: *Provided*, That prior to the approval of the first such project in the State during any fiscal year such State agency shall give to the Secretary written notification of the Federal share established under this paragraph for such projects in such State to be approved by the Secretary during such fiscal year, and the Federal share for such projects in such State approved during such fiscal year shall not be changed after such approval.

(9) The Federal percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that the Federal percentage for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum.

(10) (A) The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of

the two fiscal years in the period beginning July 1 next succeeding such promulgation; except that the Secretary shall promulgate such percentages as soon as possible after the enactment of this Act, which promulgation shall be conclusive for the fiscal year ending June 30, 1965.

(B) The term "United States" means (but only for purposes of this subsection and subsection (i)) the fifty States and the District of Columbia.

(11) The term "Secretary" means the Secretary of Health, Education, and Welfare.

STATE STANDARDS FOR VARIABLE FEDERAL SHARE

SEC. 402. The State plan approved under title I may include standards for determination of the Federal share of the cost of projects approved in the State under such part or title, as the case may be. Such standards shall provide equitably (and, to the extent practicable, on the basis of objective criteria) for variations between projects or classes of projects on the basis of the economic status of areas and other relevant factors. No such standards shall provide for a Federal share of more than 90 per centum or less than 50 per centum of the cost of construction of any project. The Secretary shall approve any such standards and any modifications thereof which comply with the provisions of this section.

PAYMENTS FOR CONSTRUCTION

SEC. 403. (a) Upon certification to the Secretary by the State agency, designated as provided in section 104, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to section 106, as the case may be, payment may, after he has given the State agency so designated notice of opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (3) the total of payments under this subsection with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

(b) In case an amendment to an approved application is approved as provided in section 105 or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment

of the State for the fiscal year in which such amendment or revision is approved.

PAYMENTS GENERALLY

SEC. 404. Payments of grants under this Act may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.

JUDICIAL REVIEW

SEC. 405. If the Secretary refuses to approve any application for a project submitted under section 105, the State agency through which such application was submitted, or if any State is dissatisfied with his action under section 104 (b) or section 106, such State, may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secre-

tary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

RECOVERY

SEC. 406. If any facility or center with respect to which funds have been paid under section 403 shall, at any time within twenty years after the completion of construction—

(1) be sold or transferred to any person, agency, or organization (A) which is not qualified to file an application under section 105, or (B) which is not approved as a transferee by the State agency designated pursuant to section 104, or its successor; or

(2) cease to be a public or other nonprofit community center, as the case may be, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit center as a community center for senior citizens;

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a center which has ceased to be a community mental health center, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such center as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such center prior to judgment.

STATE CONTROL OF OPERATIONS

SEC. 407. Except as otherwise specifically provided, nothing in this Act shall be construed as conferring on any Federal officer or employee the right to exercise any super-

vision or control over the administration, personnel, maintenance, or operation of any community center with respect to which any funds have been or may be expended under this Act.

92D CONGRESS
2D SESSION

S. 3599

IN THE SENATE OF THE UNITED STATES

MAY 11, 1972

Mr. PERCY (for himself, Mr. COOK, and Mr. SCHWEIKER) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To expand and improve the direct food distribution program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Food Distribution Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) millions of Americans living in low-income households suffer from hunger and malnutrition because their income is insufficient to enable them to purchase a nutritionally adequate diet through normal channels of trade;

(2) while the food stamp program enables some low-income households to afford a nutritionally adequate diet, many low-income households are not located in areas in which the food stamp program operates or are otherwise unable to participate fully in that program;

(3) for those low-income households not assisted by the food stamp program, the food distribution program is the sole alternative source of Federal family food assistance;

(4) the food distribution program now in effect fails to eliminate hunger and malnutrition among low-income households;

(5) the food distribution program now in effect is said to be designed and administered for the benefit of the producers of surplus agricultural commodities rather than for the benefit of low-income households in need of adequate nutritious food;

(6) the food distribution program now in effect provides food at times that is either spoiled at the time of distribution or spoils immediately after distribution; that is unsuited to ethnic, religious, or other personal preferences; that is in a form demanding extensive preparation; and that is insufficient in quantity and variety to meet minimum daily nutritional allowances, particu-

larly given the problems of storage and handling confronting low-income households; and

(7) in order fully to safeguard the health and well-being of all low-income households by providing them with adequate levels of food consumption and nutrition, it is essential to expand and improve the present food distribution program so that it serves the low-income households not reached by the food stamp program and makes easily accessible to such households food that is unimpaired in quality; that is consonant with the tastes of the recipients; that is appropriately processed and packaged to permit convenient use and storage; and that is of sufficient quantity and variety to constitute a nutritionally adequate diet as prepared and served.

(b) It is the purpose of this Act to expand and improve the food distribution program so that it meets the criteria set forth in subsection (a) (7) of this section and, in combination with the food stamp program, helps eliminate hunger and malnutrition for every low-income household in the United States.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "distributing agency" means any State agency or the Secretary or any public agency or private non-

profit organization responsible for distributing food to recipient households either by virtue of delegation from a State agency or action by the Secretary pursuant to the provisions of section 7 (e) of this Act.

(2) The term "food distribution program" means the program of distributing federally donated foods and agriculture commodities and products to low-income households under section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), or section 416 of the Agricultural Act of October 31, 1949, as amended, or under any other provision of law administered by the Secretary.

(3) The term "food stamp program" means the program of distributing food coupons to low-income households under the Food Stamp Act of 1964, as amended.

(4) The term "household" means one or more individuals, related or nonrelated, who are not residents of an institution or boardinghouse, but who live together as one economic unit and customarily eat meals together.

(5) The term "nutritional value" means the amount of nutrients (protein, vitamins A, B, C, and D, carbohydrate, fat, calories, calcium, iron, and such other nutrients as are contained in the nutritional requirements established by the recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences-National Research Council) contained in a food expressed in terms of the rela-

tionship of the amount of each nutrient contained in such food to such recommended daily allowances.

(6) The term "program subdivision" means any county or other political unit or area smaller than a State in which a food distribution program is in operation.

(7) The term "Secretary" means the Secretary of the United States Department of Agriculture.

(8) The term "State" means each of the fifty States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and the Trust Territories of the Pacific.

(9) The term "State agency" means the agency of the State government, including the local offices thereof, which has the responsibility for the administration of the food distribution program within the State, except that after July 1, 1973, it shall mean the agency responsible for the administration of the federally aided public assistance programs within the State.

(10) The term "food" has the meaning prescribed for that term by section 201 of the Federal Food, Drug, and Cosmetic Act, except that such term does not include any fresh fruit.

(11) The term "perishable or semiperishable food" means any food which the Secretary determines has a high risk of any of the following as it ages: (A) spoilage; (B)

significant loss of nutritional value; or (C) significant loss of palatability.

(12) The term "pull date" means the last date on which a perishable or semiperishable food can be sold for consumption without a high risk of spoilage or significant loss of nutritional value or palatability, if stored by the consumer after that date for the period which a consumer can reasonably be expected to store that food.

ELIGIBLE HOUSEHOLDS

SEC. 4. (a) In the administration of the food distribution program, the Secretary shall provide that any household shall be eligible to participate in such program if its income and other financial resources are within the criteria established by the Secretary under section 6 (a) of the Food Stamp Act of 1964, as amended, except that any household shall be eligible to participate in such program if, on the basis of its income and other financial resources, it would have been eligible for food stamp coupons under the standards of eligibility of the State plan of operation which was in effect, immediately prior to the enactment of Public Law 91-671 (84 Stat. 2048), for the food stamp program for the State in which such household is located.

(b) In determining the eligibility of any household to participate in the food distribution program, none of the resources of such household, other than income, shall be counted.

(c) The Secretary may establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are victims of any disaster which has disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance.

NATURE AND QUANTITY OF FOOD DISTRIBUTION

SEC. 5. (a) The food distributed pursuant to the food distribution program shall not be restricted to commodities deemed to be in surplus, but shall include commodities that (1) are suited to the particular ethnic, religious, or other taste preferences of the recipient households as determined by sample surveys conducted by the Secretary in each program subdivision, and (2) are appropriately fortified with vitamins and minerals to overcome proven nutritional deficiencies.

(b) The food distributed pursuant to the food distribution program shall, when delivered to the recipient households, be in a condition fit for safe conspmption and in a form, processed or otherwise, that is convenient to prepare for consumption.

(c) The food distribution pursuant to the food distribution program shall include as wide a range of commodities as possible in keeping with the criteria set forth in subsections (a) and (b) and shall be of sufficient quantity and variety to provide recipient households with 125 per centum of their

daily nutritional requirements as established by the recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences-National Research Council.

PACKAGING AND LABELING

SEC. 6. The food distributed pursuant to the food distribution program shall be packed in containers that (1) are sufficiently durable to withstand a storage period of six months without breaking open or otherwise permitting the contents to come in contact with the outside air; (2) are impervious to vermin and insects; (3) are equal in every performance characteristic to the containers used to hold comparable foods distributed under title II of the Agricultural Trade Development and Assistance Act of 1954, as amended; (4) can be, when practicable and after the contents have been consumed, used for a purpose other than that of food container; (5) are, when practicable and prescribed by the Secretary, of a size sufficient to hold no more than five average adult servings of the food contained therein; and (6) bear a label which has type that is conspicuous and easily legible in distinct contrast (by topography, layout, color, embossing, or molding) with other matters on the container, and which contains a statement specifying (A) all ingredients contained in such food in the order of their predominance, (B) the nutritional value of each average serving of food contained therein, (C) the number of servings of food contained therein, (D) the

name and address of the producer of the food contained therein, and (E) in the case of perishable or semiperishable food, the pull date and the optimum temperature and humidity conditions for storage by the ultimate consumer.

ADMINISTRATION

SEC. 7. (a) (1) Subject to the conditions prescribed in paragraphs (2), (3), and (4) of this subsection, the distributing agency for any State or any subdivision of a State shall assume responsibility for the certification of applicant households and for the distribution of food allotments.

(2) Applicant households shall be certified for eligibility solely on the basis of a simplified written statement, conforming to standards prescribed by the Secretary, and such statement shall be acted upon and eligibility certified or denied within seven days following the date upon which the statement is initially filed. A certification of eligibility shall remain in effect for one year from the date thereof. The Secretary shall, however, provide for adequate and effective methods of verification of the eligibility of recipients subsequent to certification through the use of sampling and other scientific techniques. Notwithstanding any other provision of law, if a household, certified as eligible for the food stamp or food distribution program in any political subdivision, moves to another political subdivision in which the food stamp or food distribution program is operating, such

household shall be eligible to participate in either the food stamp or food distribution program, whichever is operating in such other political subdivision, in accordance with the prior certification.

(3) Food allotments under the food distribution program shall be distributed in each subdivision in which such program is in operation on a fixed schedule on a weekly basis between 9 antemeridian and 6 postmeridian and after 6 postmeridian on at least one weekday and/or on Saturday, and shall be distributed from a central location within that subdivision so that no recipient shall have to travel unreasonable distances or shall have to spend an unreasonable length of time in travel. Each recipient household shall be informed of the times and locations of distribution by means of a monthly letter from the distributing agency, and such times and locations shall be regularly announced in the newspapers that circulate in the subdivision and, where feasible, on the radio and television stations operating in the subdivision. Such times and locations shall also be prominently posted in each public assistance office in the subdivision.

(4) The distributing agency shall assure, in accordance with regulations issued by the Secretary, that the distribution location and the site of each warehouse in the subdivision in which foods to be distributed are stored prior to

distribution (if different from said location) are inspected at least twice a year by appropriate State or subdivision health officials and certified by such officials as complying with the State and/or subdivision health codes applicable to restaurants and similar enterprises at which food is handled.

(b) The State agency of each participating State shall assume responsibility for the certification of applicant households and for the distribution of food allotments. There shall be kept such records as may be necessary to ascertain whether the program is being conducted in compliance with the provisions of this Act and the regulations issued pursuant to this Act. Such records shall be available for inspection and audit at any reasonable time and shall be preserved for such period of time, not in excess of three years, as may be specified in regulations issued by the Secretary.

(c) Participating States or participating political subdivisions thereof shall not decrease welfare grants or other similar aid extended to any person or persons as a consequence of such person's or persons' participation in benefits made available under the food distribution program.

(d) The State agency of each State shall submit for approval a plan of operation specifying the manner in which such State intends to conduct such program. Such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) for the use of

the eligibility standards promulgated by the Secretary under section 3 of this Act and the certification procedures specified in subsection (a) (2) above; (2) safeguards which restrict the use of disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act or to State or local prosecuting attorneys; (3) that the State agency shall undertake to inform low-income households concerning the availability and benefits of the food distribution program and encourage the participation of all eligible households, with use of bilingual materials and personnel wherever necessary; (4) for the granting of a fair hearing and a prompt determination thereafter to any household aggrieved by the action of a State agency under any provision of its plan of operation as it affects the participation of such household in the food distribution program in accordance with the procedures set forth in the regulations issued pursuant to the Food Stamp Act of 1964, as amended, and (5) for the submission of such reports and other information as may from time to time be required.

(e) After the lapse of ninety days from the approval of this Act, if a month should occur in the course of the operation of the food distribution program in any subdivision in which the number of persons participating in the program

is less than one-half of the number of persons in that program subdivision who are from households whose annual income is below the poverty level as determined by the Secretary in consultation with the Secretary of Health, Education, and Welfare (which number shall be determined annually on the basis of the most recent available data from the Secretary of Commerce), the Secretary shall directly administer such program in such subdivision or administer such program through any appropriate Federal, State, or county agency or through any public agency or private nonprofit organization approved by the Secretary. When the Secretary administers a food distribution program through a public agency or private nonprofit organization, he shall require the public agency or private nonprofit organization to observe all the appropriate provisions of this Act and regulations issued pursuant thereto.

COOPERATION WITH DISTRIBUTING AGENCIES

SEC. 8. (a) The Secretary shall pay each distributing agency an amount equal to all of the operating expenses incurred by the distributing agency in administering the food distribution program, including, but not limited to, the cost of determining the eligibility of households, of transporting the food to be distributed from the points at which it is received from the Secretary to the locations at which it is distributed to recipient households (including the cost of

delivering such food to the homes of recipient households composed entirely of persons sixty years of age or over and/or persons who are too physically or mentally handicapped to travel to the distribution location for the purpose of carrying such food to their homes), of storing such food in warehouses under such conditions as may be necessary to meet the distribution requirements prescribed in section 5(b) of this Act, and of taking the action required under the provisions of section 7(d)(3) of this Act. In no event shall funds be used to pay any portion of such expenses if reimbursement or payment thereof is claimed or made available from any other Federal source.

(b) In addition to funds appropriated or otherwise available under any other provision of law, the Secretary is authorized to use for the fiscal year 1973 the sum of $75,000,000 and for each fiscal year thereafter the sum of $100,000,000 in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the provisions of subsection (a).

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